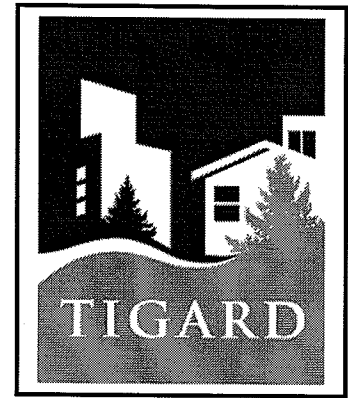




TIGARD CITY COUNCIL AND LOCAL
CONTRACT REVIEW BOARD
MEETING

JULY 18, 2006 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
(Times are estimated.)

6:30 PM

- STUDY SESSION
 - > Discuss Proposed Senior Center Remodel and Additions
 - ◆ Staff Report: Public Works Department
 - > Discuss Reinstating Funds to Remodel and Relocate the Public Works Department to the Water Building
 - ◆ Staff Report: Public Works Department
 - > Discuss Revisions to the Tigard Municipal Code Incorporating a Right-of-Way Usage Fee
 - ◆ Staff Report: Community Development Department
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - Tigard Area Chamber of Commerce Representative: President Ralph Hughes
 - Follow-up to Previous Citizen Communication

4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - 4.1 Approve Workers' Compensation Volunteer Coverage Through City County Insurance Services
 - 4.2 Amend Insurance Agent of Record Contract extending from Three to a Five-Year Contract
 - 4.3 Local Contract Review Board:
 - a. Reject Bids for the Construction of Hall Boulevard/Wall Street Intersection – Phase II and Library Parking Lot Expansion
 - *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
5. INITIATE PLANNED DEVELOPMENT REVISIONS REVIEWED BY THE PLANNING COMMISSION
 - a. Staff Report: Community Development Department
 - b. Council Discussion
 - c. Council Direction: Should staff prepare a draft ordinance for public hearings?
6. COMPREHENSIVE PLAN UPDATE: CITIZEN ISSUES AND VALUES SUMMARY
 - a. Staff Report: Community Development Department
7. STATUS REPORT: TUALATIN RIVER BIKE/PEDESTRIAN BRIDGE PROJECT
 - a. Staff Introduction: Community Development Department
 - b. Report from Paul Hennon, City of Tualatin
 - c. Council Discussion
8. COUNCIL LIAISON REPORTS
9. NON AGENDA ITEMS
10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
11. ADJOURNMENT (Local Contract Review Board Meeting will follow the City Council meeting.)

LOCAL CONTRACT REVIEW BOARD MEETING
(IMMEDIATELY FOLLOWING ADJOURNMENT OF THE
JULY 18, 2006, CITY COUNCIL MEETING)

- 1.1 CALL TO ORDER: LOCAL CONTRACT REVIEW BOARD (LCRB)
- 1.2 ROLL CALL

- 2. CONSIDER AWARDED CONTRACT FOR DESIGN SERVICES FOR PHASE 3
(BURNHAM STREET IMPROVEMENTS) OF THE TIGARD DOWNTOWN
COMPREHENSIVE STREETScape PROJECT
 - a. Staff Report: Community Development Department
 - b. LCRB Discussion
 - c. LCRB Consideration: Motion to approve the contract award to OTAK, Inc., in the amount of \$463,525 and authorize an additional amount of \$46,353 to be reserved for contingencies and applied as needed as the design of Burnham Street progresses towards completion and into the construction phase. The total amount for Phase 3 is \$509,878.

- 3. ADJOURNMENT

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Agenda Item #

Meeting Date

July 18, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Proposed Senior Center Remodel and Additions

Prepared By: Daniel Plaza

Dept Head Approval:

DK

City Mgr Approval:

CR

by cw

ISSUE BEFORE THE COUNCIL

Should Council authorize up to \$100,000 in FY '06/'07 to contract for architectural consulting services in order to produce preliminary construction plans and a Conditional Use Permit (CUP) application for the proposed Senior Center remodel and additions?

STAFF RECOMMENDATION

Staff recommends the Council authorize up to \$100,000 in FY '06/'07 to contract for architectural consulting services in order to produce preliminary construction plans and a CUP application for the proposed Senior Center remodel and additions.

KEY FACTS AND INFORMATION SUMMARY

- ◆ Loaves and Fishes/Senior Center Site Committee has identified potential remodel improvements and building additions.
- ◆ Building additions would include a new meeting/library room near the front entrance and a new garden room off the ground floor on the north side of the building. The combined new square footage would be approximately 1,280 square feet.
- ◆ In order to obtain more accurate construction cost estimates and to be ready to submit a land use application, architectural consulting services will be needed.
- ◆ This expenditure retains enough funding for the City to negotiate a second \$100,000 contract for architectural services to produce the final construction plans and bid documents.
- ◆ This matter was discussed with the Budget Committee; the Committee included the expenditure in the budget, but directed staff to prepare a report for the City Council before any further work was done.

OTHER ALTERNATIVES CONSIDERED

The Council could choose to abandon the project or change the scope of the project.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Not applicable.

ATTACHMENT LIST

1. Memo from Dan Plaza to the City Council dated July 18, 2006

FISCAL NOTES

There is \$200,000 in the FY '06/'07 Facilities CIP budget earmarked for architectural design work relating to this project. Preliminary construction estimates show the full project will cost approximately \$1 million. This amount is in the FY '07/'08 Facilities CIP Budget.

Community Development Block Grant (CDBG) staff have notified the City that there is roughly \$700,000 in grant funds available in Washington County. The City's Community Development staff is preparing a CDBG application, requesting \$475,000 in matching funds.

Loaves and Fishes has committed to raise \$100,000 for this project.



MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Daniel Plaza, Parks and Facilities Manager

RE: Proposed Senior Center Remodel

DATE: July 18, 2006

Background

The FY '06/'07 Facilities CIP budget includes funds for design services for a proposed remodel and seismic upgrade of the Tigard Senior Center. Earlier this year, staff met with the Loaves and Fishes (L&F)/Senior Center Site Committee on several occasions to help formulate the scope of the remodel portion of the project. After a lengthy public input process, the Committee recommends the following improvements be completed by the City:

- ◆ **Priority #1 - Main building improvements:**
 - Seismic upgrade of the building
 - Four bathrooms to be revamped, upsized and remodeled
 - Remodel main floor area
 - Complete remodel of the kitchen and food serving area
 - Upgrade the electrical panel
 - Upgrade the interior lighting
 - Upgrade the phone system
- ◆ **Priority #2 - External improvements:**
 - Upgrade concrete loading dock
 - Upgrade exterior and parking lot lighting
 - Re-stripe the parking lot
 - Add bicycle racks
- ◆ **Priority #3 - Building additions:**
 - Addition of a library/meeting room near the entrance
 - Addition of a garden meeting room off the back (north)
 - Purchase permits

A local architectural firm, Ankrom Moisan, volunteered pro bono services to L&F to produce concept level drawings for the remodel and building additions. These drawings were useful for discussion purposes and for preliminary estimates. If the full project is constructed, with both building additions, staff anticipates the cost would be approximately \$1 million.

The two building additions would increase the overall size of the building by more than 10 percent, requiring a Conditional Use Permit (CUP). A pre-application conference for this project was held on June 5, 2006, and overall the project appears to be straightforward and CUP approval seems likely. In order to move forward with a CUP application, preliminary construction plans will need to be developed.

Funding

When this project was first conceived, staff thought the City could obtain a Community Development Block Grant (CDBG) to cover a significant portion of the project cost. During the financial forecasting process, staff projected \$475,000 of General Fund monies would be used in FY '07/'08 as matching funds, assuming a \$475,000 CDBG grant were obtained.

L&F has committed to raise \$100,000 for this project.

On June 28, 2006, staff spoke with CDBG staff and was informed that there is roughly \$700,000 in grant funds available in Washington County. Staff believes the City should apply for a \$475,000 CDBG grant to complete the full project including the additions. There is a chance the City would not be awarded the entire \$475,000. If this were to occur, CDBG staff indicated the City could reduce the scope of the project to match any funding we might receive.

Critical Milestones

Community Development (CD) staff is currently working toward a CDBG grant application which will come before Council in September, 2006. At that time, CD staff will ask the Council to authorize the application, which is due October, 2006. CDBG staff indicated the City will receive feedback about its grant application in January, 2007.

Assuming a grant is awarded, the project would need to be constructed within one calendar year beginning July 1, 2007. Therefore, if the City receives word in January, 2007 that a grant is awarded, staff would have roughly 18 months to complete the project.

As stated previously, a CUP is required before the City can begin construction. If the City waits until January, 2007, to begin the CUP process, there may not be enough time to complete the project by July, 2008. A sample timeline is as follows:

January, 2007	<ul style="list-style-type: none">▪ Procurement time to hire an architect▪ Preparation of preliminary drawings▪ CUP application, process, approval Estimated time: 9 months
October, 2007	<ul style="list-style-type: none">▪ Architect produces final construction drawings and bid documents to procure a building permit and a contractor. Estimated time: 2 months
January, 2008	<ul style="list-style-type: none">▪ Begin construction
July 1, 2008	<ul style="list-style-type: none">▪ Project completion date

Staff is concerned the project could not be constructed in the remaining six-month window from January, 2008, through July, 2008.

The FY '06/'07 Facilities CIP budget allocates \$200,000 toward design efforts for this project. During the CIP budget approval process, Council requested discussion with staff before funding is expended. Staff requests authorization to expend a portion of these funds to hire an architect to begin the CUP application now.

Recommendation

In light of the anticipated timeline for completing this project and assuming a CDBG grant is awarded to the City in January, 2007, staff recommends the Council authorize up to \$100,000 to hire, on or about January, 2007, an architect to prepare a CUP application and preliminary construction drawings. The procurement process for the architect could be structured such that the initial contract would be for preliminary plans and the CUP application. The City would have the option to negotiate a second \$100,000 contract for architectural services to produce the final construction plans and bid documents.

Agenda Item #

Meeting Date

July 18, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Reinstating Funds to Remodel and Relocate the Public Works Department to the Water Building

Prepared By: Dennis Koellermeier

Dept Head Approval: DK
by CW

City Mgr Approval: EUM/EM/CP

ISSUE BEFORE THE COUNCIL

Staff is seeking Council direction on reinstating funds for the remodel/relocation project.

STAFF RECOMMENDATION

The Council direct staff to prepare a budget amendment reinstating funds for the remodel/relocation project.

KEY FACTS AND INFORMATION SUMMARY

- The remodel/relocation project has been underway since 2004. This project was budgeted, though not completed, in FY '05/'06.
- The Budget Committee removed the funds from the budget and placed them in contingency to complete this project in FY '06/'07 and directed staff to return to the Council with more information.
- One of the urban renewal catalyst projects calls for a new intersection at Ash Drive and Burnham Street. The public works annex, located at this intersection, is slated for demolition as part of the project. Eight staff members are currently housed in this building.
- The proposed project would:
 - Make way for one of the first urban renewal projects, allowing for the demolition of the annex, by providing a work space for staff currently housed in this building.
 - Consolidate administrative staff in a single, modern building.
 - Provide park and street staff, operating out of the public works yard, with ADA compliant restroom and lunchroom facilities.
 - Get the City one step closer to vacating the public works office/operations complex for urban renewal projects.
 - Provide funding to accomplish water building upgrades, allowing the City to make good use of a partially vacant, relatively modern facility.
 - Save the City about \$25,000 annually in rented storage space.

OTHER ALTERNATIVES CONSIDERED

The Council could choose not to reinstate funding, in which case the City will need to delay the Ash Drive/Burnham Street urban renewal project or find some other location to house the eight employees currently working in the annex.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

2006 Tigard City Council Goal #2: Implement Downtown Plan

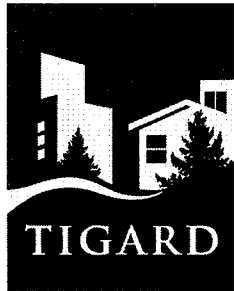
Implement catalyst projects including improvements to Burnham Street and identify and purchase land for a downtown public gathering place

ATTACHMENT LIST

1. Memo from Dennis Koellermeier to Craig Prosser dated July 3, 2006
Public Works Department Facility Needs Analysis, Executive Summary


FISCAL NOTES

The estimated cost of the remodel/relocation project is \$630,000. If Council wishes to complete the project, staff will prepare a budget amendment funding the project. As directed by the Budget Committee, designated contingencies were established in the sanitary sewer, stormwater, and water funds. The budget amendment will transfer the appropriations out of the designated contingencies and into the capital improvement budgets for each fund. The cost of the project will be split between the three funds as follows: water fund - \$400,000, sanitary sewer fund - \$130,000, and the stormwater fund - \$100,000.



MEMORANDUM

TO: Craig Prosser, City Manager

FROM: Dennis Koellermeier, Public Works Director 

RE: Reinstating Funds to Remodel Water Building

DATE: July 3, 2006

In the proposed FY '06/'07 budget process, the Public Works Department requested funds to remodel and subsequently relocate some staff to the water building. The Budget Committee restricted the funds for this project, but authorized Council to reconsider this decision should it wish to do so.

I am requesting the Council revisit this decision. The current proposal allows for the annex to be vacated and the partially vacant water building to be completely utilized. The current public work's yard will be used by park and street staff. The remodel/relocation project will accomplish the following:

Issue	Current Proposal
<ul style="list-style-type: none"> The public works annex building is scheduled for demolition in FY '06/'07 or '07/'08 to accommodate an urban renewal project, a new intersection at Ash Avenue and Burnham Street. Demolishing the building will displace eight staff members. The only space available for relocation is the water building, but this building requires upgrades before it can be used as a functional work space. 	<p>Provides building upgrades to create a functional work space for staff displaced by the annex demolition.</p>
<ul style="list-style-type: none"> The Public Works Department is currently spread over three locations, an arrangement that is cumbersome and inefficient. 	<p>Consolidates administrative staff in a single location and eliminates one of three existing locations.</p>

<ul style="list-style-type: none"> ▪ The current public works office/operations complex is not ADA compliant and has inadequate heating and ventilation systems. Along with a seismic upgrade, the building also requires plumbing, accessibility and interior upgrades in order for it to meet current standards. For this reason, some department functions, such as the computerized water control system, have already been relocated to the water building. 	Relocates staff from an outdated building into a modern building that requires only minor upgrades in order to meet current building standards and provides staff remaining in the yard with ADA compliant restroom and lunchroom facilities.
<ul style="list-style-type: none"> ▪ In the urban renewal plan, the current location of the public works office/operations complex is slated for high density housing. Situated next to Fanno Creek Park, the site is expected to become prime, developable property. 	Gets the City one step closer to vacating the public works office/operations complex.
<ul style="list-style-type: none"> ▪ The majority of the water building has been vacant since the Finance Department moved to City Hall following the renovation of the old library. 	Provides funding to accomplish upgrades, allowing the City to make good use of a partially vacant, relatively modern facility.
<ul style="list-style-type: none"> ▪ Should the remodel and relocation take place, the vacant public works office/operations complex will be temporarily used as storage for records and police evidence until urban renewal activities necessitate the City completely vacate the property. 	Saves the City about \$25,000 annually in rented storage space.
<ul style="list-style-type: none"> ▪ The FY '06/'07 budget request was a continuation of the remodel project which has been underway since 2004. This project was budgeted, though not completed, in FY '05/'06. The Public Works Department retained an architect and has conducted a facility needs analysis. 	Will allocate funds in the proposed FY '06/'07 for the completion of the remodel/relocation project.

Facility Needs Analysis

Highlights of the facility needs analysis are as follows:

- Currently, the Public Works Department is spread across three sites totaling 7.07 acres. These facilities support 65 personnel, provide 14,375 square feet of office space and 13,045 square feet of shop space.
- Under ideal conditions, the Public Works Department requires a facility of approximately 8 acres, with 12,600 square feet of office space and 15,000 square feet of shop space.

- None of the three existing sites are large enough to handle a consolidated facility.
- In addition, the two Ash Avenue sites will ultimately be needed for urban renewal projects, with the public works annex slated for demolition in the next year or so.

The analysis concludes, as an interim solution to a new facility, park and street staff should be assigned to a portion of the current public works office/operations complex, while administrative staff should be assigned to the water building. The study assumes the annex will be vacated at the earliest opportunity.

A copy of the Executive Summary of the Facility Needs Analysis is attached.

Scope of the Remodel

The work associated with the project will consist of the following:

- Replace the current HVAC system, since existing equipment is at end of its useful life (20 plus years old). This work was already planned in the facilities five-year forecast and is being tied to the proposed remodel project since there may be some cost savings to do the remodel and upgrades at the same time.
- Provide minimal ADA upgrades to restrooms
- Install computer/communications cabling
- Paint
- Replace carpet and floor tiles
- Design and install partition systems purchased at state auction
- Replace some lighting for energy efficiency
- Consider other energy efficiency modifications
- Install a trailer at the existing public works office/operations complex to provide an ADA compliant restroom and lunchroom facilities

Recommended Action

I recommend the City fund this project in the FY '06/'07 budget. If Council concurs, staff will prepare a Council budget amendment to fund the project. As directed by the Budget Committee, designated contingencies were established in the sanitary sewer, stormwater, and water funds, should Council decide to complete the project. The budget amendment will transfer the appropriations out of the designated contingencies and into the capital improvement budgets for each fund. The cost of the project will be split between the three funds as follows: water fund - \$400,000, sanitary sewer fund - \$130,000, and the stormwater fund - \$100,000.

Executive Summary

The following is a synopsis of the data compiled and an overview of the findings of this Facility Needs Analysis. This summary is divided into major categories of Existing Conditions, Ideal Conditions, Options Developed and Interim Proposed Solution.

Existing Conditions

The existing Public Works Department is comprised of 66 full time positions and 4 seasonal staff. The staff is distributed among multiple buildings at three sites, the Public Works Office and Yard, Public Works Annex and the Water Building. The total available area at the three sites totals 7.7 acres of total property including 14,375 SF of Office Space, 13,045 SF of Warehouse/Shop Space. Summarized as follows:

Location	Site Are	# of Staff	Office Space	Shop Space
Public Works Yard	3.27 Acres	21	2975 sf	5475 sf
Public Works Annex	.35 Acres	8	1640 sf	0
Water Building	4.04 Acres	26	9760 sf *	7570 sf
TOTAL	7.07 Acres		14,375 sf	13,045 sf

*Water Building office space is only partially utilized by Public Works, rest of the building was recently vacated by staff move to City Hall. All other areas noted are utilized 100% by Public Works.

Public Works Office and Yard: The Warehouse and Yard areas serve the needs of the Parks and Streets departments. The open space is adequate for these departments, well organized and maintained. Parking is adequate and the location is centralized in the City. The Warehouse buildings house some staff offices that may not be code compliant and lack adequate ventilation, accessibility, and seismic protection.

The Office Building serves administrative staff space needs, as well as field crew, lunch and shower areas. It also houses the SCADA equipment. The second floor offices are an inefficient use of space for staff positions and are not handicap accessible. This building is well maintained but due to the buildings age, the Heating/Ventilation systems are inadequate. Other systems in need of upgrade or replacement to bring up to current standards include the plumbing, accessibility and interior finishes. Though the building structure is in generally good condition, it would not withstand a significant seismic event.

Public Works Annex: This building was not studied in detail as it is assumed that it will be vacated at the earliest opportunity. This former residence meets the current space needs of the balance of the administrative department but the layout of individual rooms as offices is inefficient. The quality of the lighting and mechanical systems and interior finishes are not up to current standards. The building roof and exterior is deteriorating and in need of upgrade or replacement. This entire site area is subject to street realignment and may not be available for future use.

Water Building: This building is modern compared to the Annex and Yard structures. The spaces are in very good condition and well maintained. The open space is well laid out and includes amenities not included at the older yard including a fuel station and a compliant

equipment cleaning area with proper drainage.

The office building provides a combination of open office spaces and private offices and will allow an efficient furniture layout. A large public meeting room is available and is shared with other departments and serves as the Emergency Operations Center for the City. The locker room includes mud rooms, showers and a dry room, but they are small and accommodation for female staff is minimal. The electrical system includes emergency power systems and adequate service for most uses. The mechanical system appears to be at the end of its useful life and will require some upgrade as part of any renovation.

The exterior appearance of this building is a modern and well maintained masonry building that is holding up well. Parking is adequate and is located at a highly visible intersection, yet the yard areas are screened by low walls to maintain an organized appearance.

Ideal Conditions

Based on questionnaires, staff interviews and comparisons to similar Public Works departments, an ideal space program was developed with staffing projections in five and ten year increments. Noted below is a summary of the required space including total recommended site area, projected number of staff, and estimated area for Office and Shop/Warehouse Space. It was a general consensus among staff that the ideal situation would be one site that housed all Public Works functions. The current location, near to City Hall and centrally located is preferred, but is not vital.

Location	Site Area	# of Staff	Office Space	Shop Space
Public Works Yard	8.0 Acres	66	12,600 sf	15,000 sf

A rough comparison with similar sized Public Works Departments shows that the ideal facility needs program is in line with industry standards.

City	Population	Staff	Site Area
Tigard	45,500	66	8 Ac
Albany	43,000	102	5 Ac / 1 Site
Corvallis	50,100	113	27 Ac / 1 Site
Lake Oswego	36,000	43	6.35 Ac / 1 Site
Kirkland, WA	45,500	80	4.8 Ac / 2 Sites
Olympia, WA	44,000	215*	11 Ac / 4 Sites
Redmond, WA	46,400	150	7 Ac / 1 Site

*Includes transportation departments

Options Developed

After determining the ideal conditions, several options were tested to determine feasibility. It was a general consensus that the Water Building site alone is not adequate to accommodate the ideal conditions. The Water Buildings can be expanded to consolidate staff, but the Yard is not able to adequately serve the needs of the City without acquiring additional property.

The site is locked by the rail line to the north, public roads to the east and south, and the fire station property to the west. If additional contiguous property could be found to the west of the fire station, it is possible that the Water Building site could meet the ideal conditions, however, this does not align with the City's Downtown Improvement Plan.

Two general sets of options were reviewed. Options 1 and 2 are slight variations based on the expansion of the Water Building to accommodate all staff, but will require that the Yard area remain in service. The Office can be re-used for purposes other than staff. These options open the Annex building to be re-used or sold.

Options 3 and 4 are variations based on the staff remaining divided between the Office/Yard and Water site, but consolidates the Annex staff into the Water Building. These are considered to be the minimal required to improve the efficiency of the Department and are relatively cost effective as short term solutions. No expansion of the Water Building is required. These options allow the Annex Building to be re-used or sold.

The Ideal Option, reflects comments noted above and provides pricing for the option of building an entirely new complex on a new site or adequate expansion of the Water Building site.

All costs below are based on current conditions and will increase by a factor of 3 to 4% for every year projected. The costs are for construction and soft costs only and do not include land purchase.

Option	Pros	Cons	Cost
1 – Expand WB to accommodate all PW staff	Consolidates all staff; Frees up Yard and Annex for other use or sale	Limited space for future growth; Inadequate yard area	\$1,706,458
2 – Expand WB to accommodate all except Fleet	Consolidates majority of staff; Frees up Yard and Annex for other use or sale	Rebuild fleet at Yard location; Inadequate space for future growth; Inadequate yard area	\$1,631,318
3 – Parks and Streets stay at Yard	Annex is vacated; Water Bldg is completely utilized	Does not consolidate all staff; Operating costs at Yard are maintained	\$495,508
4 – Parks and Streets stay at Yard and consolidate in Shop Space	Annex is vacated; Office is vacated; Water Bldg is completely utilized	Does not consolidate all staff; Operating costs at Yard are maintained	\$565,656
Ideal – Purchase new standalone property or purchase contiguous property to Water Bldg site	Sell off existing Yard and Annex Building, Lower operating cost	Highest initial cost; Shortage of adequate sized parcels in Tigard	\$5,750,000 if new site \$2,735,000 if Water Bldg site

Interim Proposed Solution

Options Three and Four are being evaluated for an interim proposed solution.

Agenda Item #

Meeting Date

July 18, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Revisions to the Tigard Municipal Code Incorporating a Right-of-Way Usage Fee

Prepared By: Nancy Werner Dept Head Okay TC City Mgr Okay CP

ISSUE BEFORE THE COUNCIL

Discuss revising the Municipal Code to incorporate a right-of-way usage fee and change the franchise requirement.

STAFF RECOMMENDATION

Provide staff with direction on revising the Municipal Code to incorporate a right-of-way usage fee and change the franchise requirements.

KEY FACTS AND INFORMATION SUMMARY

In discussions with Council on December 13, 2005 and May 16, 2006, Council directed staff to draft amendments to the Tigard Municipal Code to incorporate a right-of-way usage fee ("ROW Fee") that would apply to utilities using the rights-of-way to the extent the utility is not paying franchise fees. Staff has been working on these revisions with the City Attorney, and we have recognized two issues the Council should consider before a hearing on the amendments.

1. Elimination of Franchise Requirement: The City currently requires private utilities using the rights-of-way to receive a franchise from the City. Staff recommends that this requirement be amended to allow, but not require, a franchise. Utilities using or desiring to use the rights-of-way could choose from three options: (1) No franchise, and thus be bound by the relevant Code provisions; (2) Sign a standard franchise, which would be essentially the same as the Code provisions; or (3) Negotiate a franchise, the terms of which may vary from the Code provisions.

Staff believes this approach is preferable to the franchise requirement because it ensures that utilities using the rights-of-way without a franchise are subject to the Code, and the City would not be required to enforce a franchise requirement on a utility that is otherwise acting consistent with the Code provisions (e.g., obtaining permits, paying the ROW Fee).

2. ROW Fee Rate for Electric Utilities: Council directed staff to implement a ROW Fee at the same rate as current franchise fee rates so that the ROW Fee would be revenue neutral (because franchise fees would be deducted from the ROW Fee). The current franchise fee rate for PGE is 3.5%. NW Natural and all other utilities are at 5%. In comments on draft amendments to the Code, counsel for NW Natural noted that gas and electric utilities are competitors and thus a lower ROW Fee for electric utilities gives PGE a competitive advantage.

Staff recommends that Council consider a ROW Fee of 5% for electric utilities to eliminate this concern. This would result in the same ROW Fee rate for all utilities. It also would generate additional revenue to the City, although PGE likely will pass the additional 1.5% fee on to customers as a municipal tax or fee on their electric bill. (Under Oregon Administrative Rules, electric utilities may separately list the portion of a franchise fee or related tax over 3.5% as a municipal tax on customers' bills. Gas utilities may separately list any portion over 3%, so there is a history of treating

gas and electric utilities differently in this area.) The alternatives are to: (1) leave the ROW Fee at the same level as the current franchise fee rate regardless of the discrepancy between electric and the other utilities, or (2) lower the gas ROW Fee to 3.5%, which is less than the 5% franchise fee agreed to by NW Natural and likely would result in a loss of revenue upon the expiration of NW Natural's franchise in 2014.

OTHER ALTERNATIVES CONSIDERED

N/A

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The ROW Fee would contribute to the Council Goal to "Stabilize Financial Picture" and the Tigard Beyond Tomorrow goal to "Identify and Develop Funding Resources" for Transportation and Traffic by ensuring continued payment for use of the rights-of-way and, if the electric ROW Fee is increased to 5%, providing additional revenue that would be available to the General Fund, or which could supplement other funding resources for improvements to City streets.

ATTACHMENT LIST

None.

FISCAL NOTES

Implementing the ROW Fee for electric utilities at 5% would generate an estimated \$540,000 per year in additional revenue for the City. Lowering the gas ROW Fee to 3.5% would result in an estimated loss of \$246,785 per year after the expiration of NW Natural's franchise, based on FY2005-06 franchise fee payments from NW Natural.

Agenda Item #

Meeting Date

July 18, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Approve Workers' Compensation Volunteer Coverage through CCIS

Prepared By: Loreen Mills *(Loreen Mills)* Dept Head Okay *EAM for CP* City Mgr Okay *EAM for CP*

ISSUE BEFORE THE COUNCIL

Should the City continue to provide workers compensation insurance to volunteers to protect them if they are injured during their volunteer work time?

STAFF RECOMMENDATION

Approve resolution to provide workers' compensation benefits to City volunteers.

KEY FACTS AND INFORMATION SUMMARY

- Protect City volunteers by providing Workers' Compensation Insurance for them when they volunteer
- Workers compensation insurance is less costly and provides more benefits than health insurance
- City Council has placed high value on volunteers and the volunteer program and has provided this coverage for several years to protect them if they are injured during volunteer work.
- Oregon law requires cities decide whether workers' compensation insurance will be provided to volunteers (ORS 656.031).
- City County Insurance Services requires Council adopt a resolution annually to provide volunteers with workers' comp coverage.

OTHER ALTERNATIVES CONSIDERED

- Provide health care coverage and accidental death & dismemberment insurance rather than workers' compensation insurance for volunteers. (*Health & accidental death/dismemberment insurances are too expensive and would provide less coverage for volunteers than workers' comp coverage.*)

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Council Goal – Stabilize Financial Picture. This action reduces the City's liability exposure by insuring volunteers if they are injured during their volunteer activity.

ATTACHMENT LIST

- Resolution
- Exhibit A – listing of volunteers and assumed wages used to purchase insurance benefits.

FISCAL NOTES

Workers compensation insurance premiums for volunteers are in the 06/07 fiscal year budget. About \$10,000 of the City's workers comp premium provides coverage for City volunteers.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION EXTENDING CITY OF TIGARD'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY.

WHEREAS, the City of Tigard acknowledges the valuable service rendered by City of Tigard volunteers;
and

WHEREAS, the City of Tigard participates in the City County (CIS) Insurance Services Group Self-Insurance Program which requires a resolution be passed annually by the Tigard City Council in order to extend workers' compensation to City of Tigard volunteers.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Pursuant to ORS 656.031, workers' compensation coverage will be provided to classifications listed on the attached Volunteer Program Worksheet (Exhibit A). Assumed wages for police reserve officers, boards and commissions and the Mayor and Council are provided on attached Exhibit A. An assumed hourly wage of \$7.50 will be used for all other volunteers.

SECTION 2: A roster of active volunteers is updated monthly for reporting purposes. It is acknowledged that CIS may request copies of these rosters during year-end audit.

SECTION 3: Unanticipated volunteer projects not addressed herein will be added to the City of Tigard's coverage agreement by endorsement and advance notice to CIS, allowing at least two weeks for processing. It is hereby acknowledged that worker's compensation for unanticipated volunteer projects cannot be backdated.

SECTION 4: This resolution will be updated annually as long as Tigard is a member of the CIS Workers' Compensation Self-Insurance Services Group.

SECTION 5: This resolution will be effective during the 2006/2007 coverage year with the City's membership in the CIS Workers' Compensation Self-Insurance Services Group.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Tigard Resolution No. 06-____ Exhibit A
Volunteer Program ~ 2006-2007 Workers Comp Insurance Renewal

Position title	WC Code	Volunteers Anticipated (number of)	Volunteer Time Anticipated (in hours)	Assumed Wage (per hour)	Notes
Boards & Committees	8742V	N/A	N/A	\$2,500/board/yr	Board Meetings & travel to field sites
Building Maintenance	9015V	4	4	\$7.50	Room set up & tear down, general cleaning
Car Transport	8380V	0	0	\$7.50	Fleet vehicles to other locations for testing/repairs
CERT Volunteers Training & Activation	7720V	20	1000	\$800/month/member	Initial training & activation
City Council & Mayor	8742V	5	1040	\$800/month/member	Council Meetings
Citywide Celebrations	9402V	250	450	\$7.50	Earth Day, Make A Difference Day, etc. Includes planting trees, library shelf cleaning, community cleanup, street cleanup patrols
Community Service Supervisors	7720V	9	410	\$7.50	Supervision of community service, PEER Court & Municipal Court work crews/individuals.
DARE Camp Supervisors	9015V	60	4800	\$7.50	Mentoring kids at camp (does NOT include driving)
Door to Door Distribution	9410V	5	50	\$7.50	Delivery of brochures/door hangers
Election Ballot Collectors	9410V	5	10	\$7.50	Collecting ballots at drive-up collection point (not ROW)
Engineering Project Notice Asst.	8742V	1	96	\$7.50	Prepares & distributes project advance notices - No driving allowed (rides in City rig with City EE driving)
Graffiti Removal Maintenance	5474V	12	60	\$7.50	Painting over graffiti on bldgs (not ROW). City provides paint, brushes, cleaning solvent
Graphics Art Designer (Design)	8810V	1	40	\$7.50	Working in office setting or in the home.
Graphics Art Designer (Painting Design on Trailer)	9505V	0	0	\$7.50	Installing art by painting trailer - no ladder work.
Grant Writer Assistants (Indoors Only)	8810V	2	100	\$7.50	Working in office setting or in the home.
Grant Writer Assistants (Field Work Only)	8742V	0	0	\$7.50	Working in the field = site visits
Juvenile Court Offenders	7720V	50	200	\$7.50	Juveniles from Municipal Court providing community service
Library Volunteers (No travel)	8810V	280	17500	\$7.50	All tasks in-house; check-in materials, shelving, data entry, processing new materials, etc.
Library Volunteers (Traveling)	7380V	12	500	\$7.50	Driving personal vehicles to homes of "shut ins" deliver materials

Tigard Resolution No. 06-____ Exhibit A
Volunteer Program ~ 2006-2007 Workers Comp Insurance Renewal

Position title	WC Code	Volunteers Anticipated (number of)	Volunteer Time Anticipated (in hours)	Assumed Wage (per hour)	Notes
Office Assistance	8810V	27	1850	\$7.50	Clerical type work assignments in administrative offices
Painting Services (Interior)	5474V	10	100	\$7.50	Bldg. interiors with latex paint & ladders
Park Landscape Maintenance	9102V	400	1500	\$7.50	Planting trees, blackberry removal, greenway cleanup, path clean up, trail maintenance. This code allows use of gas powered leaf blowers and reciprocating weed eaters.
PEER Court Service	7720V	24	450	\$7.50	Teenagers serving as attorneys, jurors, clerks in court room. Adults serving as judges and facilitation of process.
Photographer	4361V	1	10	\$7.50	Photographer indoors and outdoors - can use ladder
Police Crime Prevention Support	8810V	1	120	\$7.50	In office work only
Police Crime Prevention Support	8742V	0	0	\$7.50	Site visits
Police Elder Victims Reassurance Program	8810V	0	0	\$7.50	In office work only
Reserve Police Officers	8411V	12	4500	\$4100 *	* Assumed wage is per month each
Storm/Water Maintenance	9402V	100	500	\$7.50	Stenciling catch basins, Adopt-A-Creek program with weeding & limited trash removal & cleaning/painting water hydrants. This code allows use of gas powered leaf blowers and reciprocating weed eaters.
Street Cleanup Program	9402V	100	600	\$7.50	Roadside cleanup. This code allows use of gas powered leaf blowers and reciprocating weed eaters.
Temporary Sign Removal	9402V	4	80	\$7.50	Driving personal vehicles to discover and remove illegal temporary signs.
Traffic & Accident Data Coord.	8810V	1	200	\$7.50	Data entry and work within office setting only
Traffic & Accident Data Coord.	5506V	0	0	\$7.50	Work within the ROW. Minimal traffic control & will require flagging training from certified COT staff member.
Translators	8810V	2	80	\$7.50	Working in office setting or in the home translating information from one language to another.

15 Boards, Committees & Task Forces - WC Code 8742V

Budget Committee, Building Appeals Board, Committee For Citizen Involvement, City Center Advisory Commission, Financial Strategies Task Force, Intergovernmental Water Board (2 or 3 members only; Tigard representatives and at-large member if appointed by City), Library Board, Mayor's Appointment Advisory Council, Park & Recreation Advisory Board, Planned Development Code Review Committee, Planning Commission, Streetscape Work Group, Transportation Financial Strategies Committee, Tree Board, Youth Forum

Agenda Item #

Meeting Date

7/18/06

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Amend Insurance Agent of Record Contract extending from three to a five year contract.

Prepared By: Loreen Mills *Green* Dept Head Okay *cl* City Mgr Okay *cl*

ISSUE BEFORE THE COUNCIL

Should Council extend the Insurance Agent of Record contract from three to five years in length?

STAFF RECOMMENDATION

Motion to amend JBL&K contract on August 1, 2006 to extend the termination date from December 15, 2006 to December 12, 2008.

KEY FACTS AND INFORMATION SUMMARY

- JBL&K has been Insurance Agent of Record under current contract since 12/3/03
- JBL&K provides excellent service and manages our insurance programs with the insurance market
- Current contract says the contract can be extended from 3 years to 5 years without going back out to bid.

JLB&K continues to provide excellent service and helps the City save money on our insurance costs. The existing Council-approved contract with JBL&K says that if the City's purchasing rules were amended during the first three years of the contract to allow for five year contracts that this contract could be extended to five years. The City's purchasing rules were amended by City Council to allow for five year contracts.

OTHER ALTERNATIVES CONSIDERED

Don't extend the contract and require new bid process this year for Insurance Agent of Record.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

None

ATTACHMENT LIST

Contract amendment.

FISCAL NOTES

The Insurance Agent of Record commission is reflected each year in Risk Management budget as part of the insurance costs. This change in the contract will not change the budgeted amount for insurance commissions or costs.

**CONTRACT AMENDMENT
CITY OF TIGARD
INSURANCE AGENT OF RECORD**

This Contract Amendment is entered into by and between the **City of Tigard**, a municipal corporation of the State of Oregon (City) and **JBL&K Risk Services** (Contractor) and amends that contract dated December 2nd, 2003 on file with the Tigard City Recorder as the Insurance Agent of Record Contract.

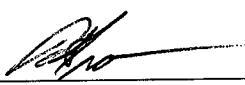
Now, therefore, it is hereby agreed that Section 2B "Effective Date and Duration" provision of the Insurance Agent of Record Contract is amended as follows with underlined language being added:

2. EFFECTIVE DATE AND DURATION

- A. This Agreement shall become effective upon the date of execution, and shall expire, unless otherwise terminated or extended, on December 15, 2006 except as noted in paragraph B below. All work under this Agreement shall be completed prior to the expiration of this Agreement.
- B. Should the City's current purchasing rules be revised during the first three years of this contract to allow a five-year contract timeline for Agents, this contract may be extended to December 15, 2008 unless otherwise terminated. City amended purchasing rules to allow for a five-year contract for insurance broker services (as set out in Section 10.055A2 of the City of Tigard Purchasing Rules) therefore this contract is extended to December 15, 2008 unless otherwise terminated.

This Amendment will commence on August 1, 2006 and will remain in effect through the duration of the Insurance Agent of Record Contract which is December 15, 2008, unless otherwise terminated.

City Manager



Insurance Agent of Record – JBL&K

Date: _____

Date: 6-15-06

Agenda Item #

Meeting Date

July 18, 2006

LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title: Rejection of Bids for the Construction of Hall Boulevard/Wall Street Intersection – Phase II and Library Parking Lot Expansion

Prepared By: G. Berry

Dept Head Approval: Tom Coffee

TC

City Mgr Approval: Craig Prosser

CMP

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board reject bids for the construction of the Hall Boulevard/Wall Street Intersection – Phase II and Library Parking Lot Expansion?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, reject the received bid.

KEY FACTS AND INFORMATION SUMMARY

- The project was advertised for bids on June 13 and June 22, 2006 in *The Daily Journal of Commerce* and *The Times* respectively. One addendum was issued for the project. Bids were opened on June 27, 2006 at 2:00 P.M. and the bid results are:

Parsons Excavating
Engineer's Estimate Range

Tualatin, OR

\$1,923,131.00
\$750,000 to \$915,000

- Because only one bid was received and the bid amount is more than twice the highest estimated cost, rejection of the bid is recommended. Contractors have indicated several reasons for not being able to bid the project: too busy during the summer, short of staff, unspecialized in wetland mitigation work and inability to handle projects of this size. Staff will rebid the project at a later time when circumstances may be more favorable to receiving multiple bids and, hopefully, lower bid prices.
- Since the street extension portion of the project requires work within the creek, which is restricted to July 1st to September 30th, consideration will be given to requesting bids for only the library parking lot expansion portion of the project sometime during the remainder of this calendar year. The street project with wetland enhancement work will be rebid in the spring of 2007. Advertising a project early in the calendar year is usually the best strategy to follow since most contractors have not yet committed to other projects. The need to wait for approval of the Comprehensive Plan amendment and sensitive lands permit delayed the bid of this project until mid-June of this year.
- The proposed project would have included construction of 360 feet of Wall Street east of Hall Boulevard to provide a joint access for the Library and Fanno Pointe Condominiums and expansion of the Library parking lot to provide an additional 20 parking spaces for Library patrons.

- All necessary permits have been obtained, which include the following: a Tree Removal permit, a Comprehensive Plan Amendment and a Sensitive Lands Review from the City of Tigard, a Connection Permit from Clean Water Services, a Removal/Fill Permit restricting work in Pinebrook Creek from July 1st to September 30th from the Department of State Lands, a Wetland Impact permit from the Corps of Engineers and a Miscellaneous Operations on a State Highway permit from the Oregon Department of Transportation (ODOT). The Department of State Lands permit restricts work within the creek from July 1st to September 30th. In addition to the permits, deed restrictions and right-of-way dedications required for the construction of Wall Street and Pinebrook Creek have also been obtained from Fanno Pointe Condominiums.

OTHER ALTERNATIVES CONSIDERED

No alternatives considered. The bid amount is substantially higher than that expected for the scope of work developed and should not be awarded based on a single bid. In addition, funding sufficient to award the contract is not available.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Controlling access to Hall Boulevard by extending Wall Street would meet the Tigard Beyond Tomorrow Transportation and Traffic goal of "Improve Traffic Safety". Providing additional parking by expanding the existing Library parking lot would meet the Urban & Public Services goal of "Adequate facilities will be available for efficient delivery of life-long learning programs and services for all ages".

ATTACHMENT LIST

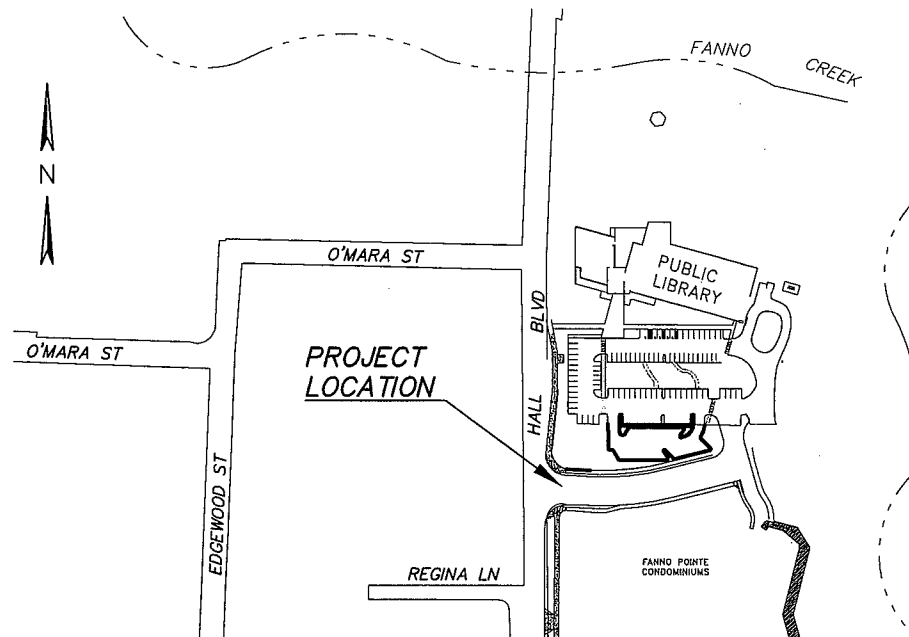
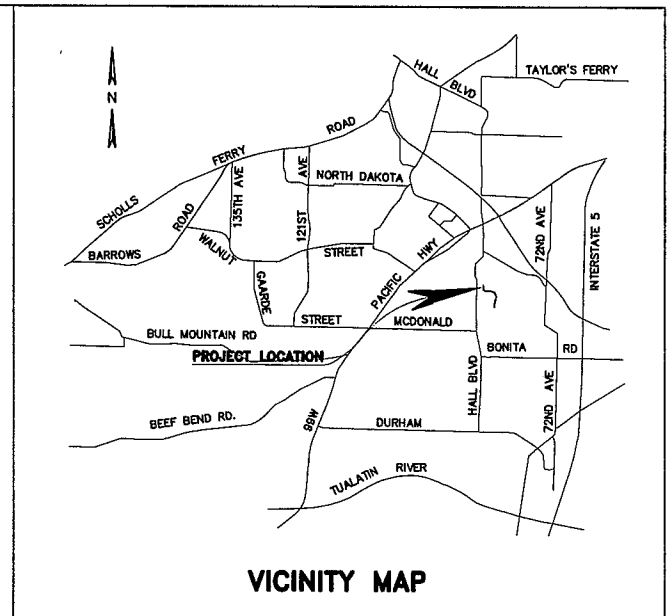
Project location map

FISCAL NOTES

The project is funded for the total amount of \$955,000 by the following FY 2006-07 CIP funds:

- \$700,000 under the Traffic Impact Fund for the Hall Boulevard/Wall Street Intersection – Phase II
- \$180,000 under the City Facilities Fund for the Library Parking Expansion project
- \$75,000 under the City Facilities Fund for Library Property – Voluntary Cleanup for removal of contaminated soils prior to construction of the project.

I – WALL STREET/HALL BOULEVARD
INTERSECTION IMPROVEMENTS – PHASE 2
AND
II – LIBRARY PARKING LOT EXPANSION



Agenda Item #

Meeting Date

July 18, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Initiate Planned Development Revisions/Planning Commission

Prepared By: Sean Farrelly Dept Head Okay TC City Mgr Okay cl

ISSUE BEFORE THE COUNCIL AND KEY FACTS

At the City Council's request, the Planned Development Code Review Committee has further refined its recommendations to amend the Planned Development section of the Development Code.

STAFF RECOMMENDATION

If the City Council determines that the proposed Planned Development revisions are appropriate, Staff should be directed to prepare a draft ordinance for public hearings.

KEY FACTS AND INFORMATION SUMMARY

The Planned Development Code Review Committee presented its recommendations to the City Council on April 18, 2006. At the Council's direction, the Committee met two additional times and appeared before the Planning Commission. The original recommendations have been streamlined. Two notable changes from the previous draft are applying the overlay zone concurrently with the approval of the Detailed Development Plan, and removing the site analysis requirement. The attached memorandum (Attachment 1) outlines the proposed changes.

OTHER ALTERNATIVES CONSIDERED

Not applicable

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Growth and Growth Management, Goal No.1 – Growth will be managed to protect the character and livability of established areas, protect the natural environment and provide open space throughout the community.

Two of the strategies to implement this goal are:

- 1) Review and modify development code sections to integrate open space preservation and protection into design standards. Planned Actions include: revising code sections to ensure that residential development incorporates open space; and developing and implementing design standards that preserve and protect open space, greenways, and natural areas.

- 2) Develop and implement design standards that preserve and protect open space, greenways, and natural areas. Planned Actions include: amending code to promote design that includes natural features and promotes connectivity to open space, greenways, and natural area access; and implementing a public process for adequate development/design review.

ATTACHMENT LIST

1. Memo to Council dated July 3, 2006 - Planned Development Code Review Committee Recommendations
2. Copy of proposed changes to Planned Development chapter with strike-outs and additions
3. Clean copy of proposed changes to Planned Development chapter.
4. June 19, 2006 draft Planning Commission minutes

FISCAL NOTES

Not applicable



MEMORANDUM

TO: City Council

FROM: Sean Farrelly, Associate Planner

RE: Planned Development Code Review Committee Recommendations

DATE: July 3, 2006

The Planned Development Code Review Committee was appointed by the City Council in January, 2004, to review and recommend changes to the Planned Development chapter of the Development Code (18.350). The concept of Planned Developments is to grant flexibility to the underlying development code standards, in order to achieve a desired public purpose. Concerns arose in the community about the density, appearance, and lack of open space in some of the developments approved under the provisions of the Planned Development chapter.

The Committee had its first meeting in April 2004, and worked for several months on the proposed changes. There was a several month delay due to staff shortages and turnover. The Committee came before the Planning Commission on April 17, 2006, and the City Council on April 18, 2006, with its recommendations. The Council and the Commission made several suggestions to refine the proposed changes in the code. The PD Committee agreed to a timeline of 60-90 days to make its final recommendation.

The Committee met on two occasions - May 2nd, and June 6th. Feedback from the Council, City Attorney, the Planning Commission, Staff, and Committee members, was incorporated into the revised proposed code amendments. The Committee appeared before the Planning Commission on June 19, 2006, and presented the revised proposals.

The revised code chapters can be seen in Attachment 1 (Clean Copy) and Attachment 2 (Draft Annotated Copy.) The Committee's final recommendation to the Planning Commission is to substantially reorganize and rewrite the Planned Development chapter. These are the highlights of the proposed changes:

1. New Purpose Statement

The purpose statement was completely rewritten to emphasize the link between applying flexible standards and balancing impacts with amenities such as preserving open space and natural resources, the use of alternative and sustainable building designs, and other public purposes.

2. Revised Approval Process

The revisions make a clearer distinction between the three sections of the approval process:

- Concept Plan
- Detailed Development Plan
- Overlay Zone

The Overlay Zone is applied concurrently with the approval of the Detailed Development Plan. Concurrent applications can be made for the Concept Plan and the Detailed Development Plan, but the Planning Commission must take separate actions on each part.

A. Concept Plan:

New Concept Plans would require addressing these new approval criteria:

- Provision of open space
- Protecting natural resource areas
- Integration of development into the existing neighborhood
- Promotion of walkability/ transit
- Identification of the uses and arrangement of the site
- Demonstration that the planned development has significant advantages over standard development (i.e. protects natural features and provides additional amenities for the development/neighborhood.)

B. Detailed Development Plan:

The approval of a Detailed Plan was made a distinct step in the process.

The Detailed Development Plan would require addressing the following approval criteria:

- Conformance to the Concept Plan.
- Compliance with various Development Code chapters. Up to a 10% density bonus is allowed. A 1% density bonus for each 5% of the gross site area set aside in open space, and up to 5% for other amenities, including items from the Planning Commissioners Toolbox.
- Additional criteria, including a mandatory shared open space requirement (20% of the gross site area.)

C. Overlay Zone:

The Overlay Zone is now applied concurrently with the approval of the Detailed Development Plan. The overlay zone approval does not expire.

3. Changes in Definitions Chapter (18.120)

Three new definitions (to apply to the entire code) would be added:

- Density bonus

- Landscaping
- Open Space Facilities: (Makes a distinction between three types of open space facilities - minimal use, passive use recreation, and active use recreation.)

4. The Planning Commissioners "Toolbox"

The Committee developed a Planning Commissioners' "Toolbox": a packet with requirements of the process as well as illustrations and case studies of preferred developments around the country. The Toolbox, which will be distributed at the pre-app, is intended to be used as a guide for developers, and as a reference for the Planning Commission, during Planned Development hearings.

5. Pre-Application Conference Materials

In addition to the Planning Commissioners Toolbox, Staff will distribute examples of high quality materials (clear site plans and explanations) that have been used by developers at neighborhood meetings. The pre-app checklist will include a statement that if there are significant changes in the plans submitted at the neighborhood meeting, they will have to re-notice.

Proposed Planned Development Code Revisions, June 2006

Explanation of Formatting

These text amendments employ the following formatting:

~~Strikethrough~~ – For text to be deleted

[Bold and Italic] – For text to be added

Boxed – For staff notes and comments related to specific amendments. These are not part of the proposed codified text.

Chapter 18.120 DEFINITIONS

[55. “Density bonus” – Additional dwelling units that can be earned as an incentive for providing undeveloped open space, landscaping, or tree canopy as defined further in this code.]

[87. “Landscaping” – Areas primarily devoted to plantings, trees, shrubs, lawn and other organic ground cover together with other natural or artificial supplements such as water courses, ponds, fountains, decorative lighting, benches, bridges, rock or stone arrangements, pathways, sculptures, trellises and screens.]

[104. Open Space Facility related definitions. Open Space Facilities may be privately or publicly owned:

- a. Minimal Use Facilities. Areas reserved for low-impact recreation, limited to soft surface trails which are minimally maintained. No other improvements (apart from underground utilities) are allowed.***
- b. Passive Use Facilities. Areas reserved for medium-impact recreation and education uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft surface trails, raised walkways, pedestrian bridges, seating areas, viewing blinds, observation decks informational signage, drinking fountains, picnic tables, interpretive centers, and other similar facilities. Accommodations for ADA access shall be provided where site considerations permit.***
- c. Active Use Facilities. Areas reserved for high-impact recreation that require a greater degree of site development and/or ground disturbance; such as sports fields, playground equipment, group picnic shelters, swimming pools, hard and soft surface pathways, restrooms, and similar facilities.]***

[Renumber definitions after #55 according to the above amendments]

Chapter 18.350 PLANNED DEVELOPMENTS

Sections:

18.350.010 Purpose

18.350.020 The Process

18.350.030 Administrative Provisions

~~18.350.040 Noncompliance: Bond~~

~~18.350.050 Applicability in Commercial and Industrial Zones~~

~~18.350.060 Allowed Uses~~

~~18.350.070 Applicability of the Base Zone Development Standards~~

~~18.350.080 Exceptions to Underlying Development Standards~~

~~18.350.090 [18.350.040] Conceptual Development Plan Submission Requirements~~

~~[18.350.050 Concept Plan Approval Criteria]~~

~~[18.350.060 Detailed Development Plan Submission Requirements]~~

~~[18.350.070 Detailed Development Plan Approval Criteria]~~

~~18.350.100 Approval Criteria~~

~~18.350.110 Shared Open Space~~

18.350.010 Purpose

A. Purpose. The purposes of the planned development overlay zone are:

- ~~1 To provide a means for creating planned environments through the application of flexible standards, i.e., zero-lot lines, narrower streets, and other innovative planning practices which will result in a superior living arrangement;~~
- ~~2 To facilitate the efficient use of land;~~
- ~~3 To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;~~
- ~~4 To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site; and~~
- ~~5 To encourage development that recognizes the relationship between buildings, their use, open space, and accessways and thereby maximizes the opportunities for innovative and diversified living environments.~~

[1. To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the City; and]

[2. To provide such added benefits as increased natural areas or open space in the City, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and]

[3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and]

[4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and

analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and]

[5. To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and]

[6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.]

18.350.020 The Process

- A. Applicable in all zones. The planned development designation is an overlay zone applicable to all zones. *[An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project, an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.]*

Staff note: The added text was moved to incorporate 18.350.050 Applicability in Commercial and Industrial Zones.

- B. Elements of approval process. There are three elements to the planned development approval process, as follows:

- 1 ~~_____ The approval of the planned development overlay zone;~~
- 2 ~~_____ The approval of the planned development concept plan; and~~
- 3 ~~_____ The approval of the detailed development plan.~~

- [1. The approval of the planned development concept plan; and*
- 2. The approval of the detailed development plan.*
- 3. The approval of the planned development overlay zone.]*

- C. Decision-making process. ~~A new planned development overlay zone and/or concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.100. The detailed development plan shall be reviewed by means of a Type II procedure, as governed by 18.390.040, to ensure that it is substantially in compliance with the approved concept development plan. In the case of an existing planned development overlay zone for any other type of application, the application shall be reviewed under the provisions required in the chapters which apply to the particular land use application.~~

[1. The concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.]

[2. The detailed development plan shall be reviewed by means of a Type III-PC procedure, as governed by 18.390.050, to ensure that it is substantially in compliance with the approved concept plan.]

[3. The planned development overlay zone will be applied concurrently with the approval of the detailed plan.]

[4. Applicants may choose to submit the concept plan and detailed plan for concurrent review subject to meeting all of the approval criteria for each approval. All applicants are advised that the purpose of separating these applications is to provide them clear direction in developing the detailed plans. Rejection of the concept plan will result in a corresponding rejection of the detailed development plan and overlay zone.]

[5. In the case of an existing planned development overlay zone, once construction of the detailed plan has been completed, subsequent applications conforming to the detailed plan shall be reviewed under the provisions required in the chapter which apply to the particular land use application.]

[6. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently with the detailed plan.]

~~***D. Concurrent overlay zone and conceptual plan applications. The application for the overlay zone and for approval of the conceptual development plan may be heard concurrently if an application for each of the actions is submitted.***~~

~~***E. Concurrent overlay zone and subdivision applications. If the application involves subdivision of land, the applicant may apply for preliminary plat approval and the applications shall be heard concurrently.***~~

[D. Concurrent Applications for Concept Plan and Detailed Plan. In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the Planned Development application (i.e. the concept approval must precede the detailed development approval); however each required action may be made at the same hearing.]

18.350.030 Administrative Provisions

[A. Time limit on filing of detailed development plan. The concept plan approval expires after 1-1/2 years unless an application for detailed development plan and, if applicable, a preliminary plat approval or request for extension is filed. Action on the detailed development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.070.]

~~***A.[B.] Zoning map designation. Where a planned development overlay zone has been approved, [The planned development overlay zone application shall be concurrently approved if the detailed development plan is approved by the Planning Commission.] The zoning map shall be amended to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.***~~

B. ~~Time limit on filing of detailed development plan.~~ Within 1 1/2 years after the date of Commission approval of the conceptual development plan, the owner shall prepare and file with the Director a detailed development plan. Action on the detailed development plan shall be ministerial and taken by the Director by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria below:

1. ~~The Director shall approve the detailed development plan upon finding that the final plan conforms with the conceptual development plan approved, or approved with conditions by the Commission. The detailed plan shall be approved unless the Director finds:~~
 - a. ~~The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;~~
 - b. ~~The change reduces the amount of open space and landscaping;~~
 - c. ~~The change involves a change in use;~~
 - d. ~~The change commits land to development which is environmentally sensitive or subject to a potential hazard; and~~
 - e. ~~The change involves a major shift in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements.~~
2. ~~A decision by the Director may be appealed by the applicant or other affected/approved parties to the Commission and the Commission shall decide whether the detailed development plan substantially conforms to the approved conceptual development plan based on the criteria set forth in Subsection 1 of this section. This appeal shall be governed by provisions of Section 18.390.040G.~~

C. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes have been made on the original conceptual development plan as approved by the Commission;
2. The applicant can show intent of applying for detailed development plan *[or preliminary plat]* review within the one year extension period; and
3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

D. Phased development.

1. The Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for conceptual development plan review.
2. The criteria for approving a phased detail development plan proposal are that:
 - a. The public facilities shall be constructed in conjunction with or prior to each phase; and
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.

E. Substantial modifications to conceptual plan. *[If the Planning Commission finds that the detailed development plan or preliminary plat does not substantially conform to the concept plan, a new concept plan shall be required.]* Substantial modifications made to the approved conceptual development plan shall require a new application.

[F. Noncompliance. *Noncompliance with an approved detailed development plan shall be a violation of this chapter.*]

[G. Issuance of occupancy permits. *The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.*]

18.350.040 Noncompliance: Bond

A. Noncompliance. ~~Noncompliance with an approved detailed development plan shall be a violation of this chapter.~~

B. Issuance of occupancy permits. ~~The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.~~

Note: moved to 18.350.030

18.350.050 Applicability in Commercial and Industrial Zones

A. By election. ~~An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.~~

B. As condition of approval in commercial and industrial developments. ~~An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.~~

18.350.060 Allowed Uses

Note: moved to 18.350.040

A. ~~In residential zones. In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.100 B2. The following uses are allowed with planned development approval:~~

- ~~1 All uses allowed outright in the underlying zoning district;~~
- ~~2 Single family detached and attached residential units;~~
- ~~3 Duplex residential units;~~
- ~~4 Multi-family residential units;~~
- ~~5 Manufactured homes;~~
- ~~6 Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone;~~
- ~~7 Community building;~~
- ~~8 Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;~~
- ~~9 Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and~~
- ~~10 Recreational vehicle storage area.~~

B. ~~In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.~~

C. ~~In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.~~

18.350.070 Applicability of the Base Zone Development Standards

Note: moved to 18.350.060

A. ~~Compliance to specific development standards. The provisions of the base zone are applicable as follows:~~

- ~~1 Lot dimensional standards: The minimum lot size, lot depth and lot width standards shall not apply except as related to the density computation under Chapter 18.715;~~
- ~~2 Site coverage: The site coverage provisions of the base zone shall apply;~~
- ~~3 Building height: The building height provisions shall not apply; and~~
- ~~4. Structure setback provisions:~~
 - ~~a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;~~
 - ~~b. The side yard setback provisions shall not apply except that all detached structures shall meet the Uniform Building Code requirements for fire walls; and~~
 - ~~c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:~~
 - ~~(1) A minimum front yard setback of 20 feet is required for any garage structure which opens~~

facing a street.

- (2) ~~A minimum front yard setback of eight feet is required for any garage opening for an attached single family dwelling facing a private street as long as the required off street parking spaces are provided.~~

~~B. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.~~

18.350.080 Exceptions to Underlying Development Standards

~~A. Exceptions to parking requirements. The Commission may grant an exception to the off street parking dimensional and minimum number of space requirements in the applicable zone based on findings that:~~

- ~~1 The minor exception is not greater than 10 percent of the required parking; and~~
- ~~2 The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off street parking; or~~
- ~~3 There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or~~
- ~~4 Public transportation is available to the site, reducing the standards and will not adversely affect adjoining uses; or~~
- ~~5 There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.~~

~~B. Exceptions to sign requirements. The Commission may grant an exception to the sign dimensional requirements in the applicable zone based on findings that:~~

- ~~1 The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;~~
- ~~2 The exception is necessary for adequate identification of the use on the property; and~~
- ~~3 The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.~~

~~C. Exceptions to landscaping requirements. The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan provides for 20% of the gross site area to be landscaped.~~

18.350.090 [18.350.040] Conceptual Development Plan Submission Requirements

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type IIIB *[-PC]* procedure, as governed by Section 18.390.050 *[and the additional information required by 18.350.040.B.]* In addition, the applicant shall submit the following:

- 1 A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include:
[a.] A description of the character of the proposed development and the rationale behind

the assumptions and choices made by the applicant.

[b. An explanation of the architectural style, and what innovative site planning principles are utilized including any innovations in building techniques that will be employed.]

[c. An explanation of how the proposal relates to the purposes of the Planned Development Chapter as expressed in 18.350.010.]

[d. An explanation of how the proposal utilized the Planning Commissioner's Toolbox.]

2. A ***[general]*** development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development. ***[In the case where a residential subdivision is proposed, the statement shall include the applicant's intentions whether the applicant will build the homes, or sell the lots to other builders.]***
4. ~~A narrative statement presenting information, a detailed description of which is available from the Director.~~

B. Additional information. In addition to the general information described in Subsection A above, the conceptual development plan, data, and narrative shall include the following information, the detailed content of which can be obtained from the Director:

1. Existing site conditions;
2. A site concept ***[including the types of proposed land uses and structures, including housing types, and their general arrangement on the site] ;***
3. A grading concept;
4. A landscape concept ***[indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s);***
- [5. Parking concept;]***
5. ***[6.]*** A sign concept; and
- [7. A streets and utility concept; and]***
- [8. Structure Setback and Development Standards concept, including the proposed residential density target if applicable.]***
6. ~~A copy of all existing or proposed restrictions or covenants.~~

[C. Allowable Uses]

1. **In residential zones.** In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.070.A.3.c. The following uses are allowed with planned development approval:
 - a. All uses allowed outright in the underlying zoning district;
 - b. Single-family detached and attached residential units;
 - c. Duplex residential units;
 - d. Multi-family residential units;
 - e. Manufactured homes;
 - f. Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone ***[such as personal services, preschool or daycare, and retail uses less than 5,000 square feet in sum total];***
 - g. Community building;
 - h. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
 - i. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
 - j. Recreational vehicle storage area.
2. **In commercial zones.** In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.
3. **In industrial zones.** In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.

[18.350.050 Concept Plan Approval Criteria]

[A. The concept plan may be approved by the Commission only if all of the following criteria are met:

1. ***The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.***
2. ***The concept plan identifies areas of significant natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.***
3. ***The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.***

4. *The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.*
5. *The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.*
6. *The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood.]*

[18.350.060 Detailed Development Plan Submission Requirements]

[A. General submission requirements. *The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050, the additional information required by 18.350.040.B and the approval criteria under 13.350.070.]*

[B. Additional Information. *In addition to the general information described in Subsection A above, the detailed development plan, data, and narrative shall include the following information:*

1. *Contour intervals of 2 to 5 ft, depending on slope gradients, and spot elevations at breaks in grade, along drainage channels or swales, and at selected points, as needed.*
2. *A specific development schedule indicating the approximate dates of construction activity, including demolition, tree protection installation, tree removal, ground breaking, grading, public improvements, and building construction for each phase.*
3. *A copy of all existing and/or proposed restrictions or covenants.*
4. *Moderate to High Density Development Analysis. If proposing development in an area within a Metro designated town or regional center, the following additional information may be required:*
 - a. *Air movement: Prevailing breezes characteristic of a region may be greatly modified by urban high-rise structures. Predominant air movement patterns in a city may be along roadways and between buildings. The placement, shape, and height of existing buildings can create air turbulence caused by micro air movement patterns. These patterns may influence the location of building elements such as outdoor areas and balconies. Also a building's design and placement can mitigate or increase local wind turbulence.*
 - b. *Sun and shadow patterns: The sun and shadow patterns of existing structures should be studied to determine how they would affect the proposed building. This is particularly*

important for outdoor terraces and balconies where sunlight may be desirable. Sun and shadow patterns also should be considered as sources of internal heat gain or loss. Building orientation, window sizes and shading devices can modify internal heat gain or loss. Studies should include daily and seasonal patterns and the shadows the proposed building would cast on existing buildings and open spaces.

- c. Reflections: Reflections from adjacent structures such as glass-clad buildings may be a problem. The development should be designed to compensate for such glare or if possible, oriented away from it.]*

[C. Compliance with specific development standards. The Detailed Development Plan shall show compliance with base zone provisions , with the following modifications:

- 1. Lot dimensional standards:** *The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.*
- 2. Site coverage:** *The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks;*
- 3. Building height:** *In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be setback from the perimeter of the site a distance of at least 1-1/2 times the height of the building.*
- 4. Structure setback provisions:**
 - a.** *Setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;*
 - b.** *The setback provisions for all setbacks on the interior of the project shall not apply except that:*
 - (1)** *All structures shall meet the Uniform Building and Fire Code requirements;*
 - (2)** *A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.*
 - (3)** *A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.*
- c.** *If seeking to modify the base zone setbacks, the applicant shall specify the proposed setbacks, either on a lot by lot, or project wide basis. The applicant may propose, or the commission may require, actual structure footprints to be shown and adhered to.*

5. *Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.]*

18.350.100 [18.350.070 Detailed Development Plan] Approval Criteria

[A. Detailed Development Plan Approval Criteria. A detailed development plan may be approved only if all the following criteria are met:

1. *The detailed plan is generally consistent with the concept plan. Minor changes from the concept plan do not make the detailed plan inconsistent with the concept plan unless:*
 - a. *The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;*
 - b. *The change reduces the amount of open space and landscaping;*
 - c. *The change involves a change in use;*
 - d. *The change commits land to development which is environmentally sensitive or subject to a potential hazard; and*
 - e. *The change involves a major shift in the location of buildings, proposed streets, parking lots, landscaping or other site improvements.]*

~~A. Relationship to site development review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.~~

~~B. Specific planned development approval criteria. The Commission shall make findings that the following criteria are satisfied when approving or approving with conditions, the concept plan. The Commission shall make findings that the criteria are not satisfied when denying an application.~~

1 [2.] All the provisions of the land division provisions, Chapters 18.410, 18.420 **[Partitions]** and 18.430 **[Subdivisions]**, shall be met **[if applicable];**

2. [3.] Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Commission, that promote the purpose of this **[chapter]** section. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed in Subsection 3 below. **[The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.]**

~~The developer may choose to provide or the commission may require additional open space dedication and/or provision of additional amenities, landscaping or tree planting.~~

[a. Chapter 18.360, Site Development Review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.]

[b. Chapter 18.705, Access, Egress and Circulation. The Commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).]

~~a. [c.] Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, [using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.]~~

The Commission may further authorize a density bonus not to exceed 10% as an incentive to increase or enhance open space, architectural character and/or site variation incorporated into the development. These factors must make a substantial contribution to objectives of the planned development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Commission may approve according to the following:

- (1) *[A 1% bonus for each 5% of the gross site area set aside in open space, up to a maximum of 5%,]* ~~A maximum of 3% is allowed for the provision of [active use recreational open space] undeveloped common space, exclusive of areas contained in floodplain, [steep] slopes greater than 25 %, drainageways, or wetlands that would otherwise be precluded from development;~~
- (2) *[Up to a maximum of 5% is allowed for the development of pedestrian amenities, streetscape development, recreation areas, plazas, or other items from the "Planning Commission's Toolbox."]*

~~(2) A maximum of 3% is allowed for landscaping; streetscape development; developed open spaces, plazas and pedestrian pathways and related amenities; recreation area development; and/or retention of existing vegetation;~~

~~(3) A maximum of 3% is allowed for creation of visual focal points; use of existing physical amenities such as topography, view, and sun/wind orientation;~~

~~(4) A maximum of 3% quality of architectural quality and style; harmonious use of materials; innovative building orientation or building grouping; and/or varied use of housing types.~~

[d.] Chapter 18.745, Landscaping and Screening. [The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.]

[e.] Chapter 18.765, Off-street Parking and Loading Requirements. [The Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if :

- (1) The minimum number of parking spaces is not reduced by more than 10 percent of the required parking; and***
- (2) The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or***
- (3) There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or***
- (4) Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or***
- (5) There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.]***

[f.] Chapter 18.780, Signs. [The Commission may grant an exception to the sign dimensional requirements in the applicable zone if:

- (1) The sign is not increased by more than 10 percent of the required applicable dimensional standard for signs; and***
- (2) The exception is necessary for adequate identification of the use on the property; and***
- (3) The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.]***

[g.] Chapter 18.795, Visual Clearance Areas. [The Commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;]

[h.] Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks; and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the City Engineer to grant an exception. The Commission has the authority to reject an exception request. The

Commission can only grant an exception to street sanctions if it is sanctioned by the City Engineer. The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:

- (1) Public safety will not be compromised; and***
- (2) In the case of public streets, maintenance costs will not be greater than with a conforming design; and***
- (3) The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.]***

- ~~b. Chapter 18.730, Exceptions to Development Standards;~~
- ~~c. Chapter 18.795, Visual Clearance Areas;~~
- ~~d. Chapter 18.745, Landscaping and Screening;~~
- ~~e. Chapter 18.765, Off street Parking and Loading Requirements;~~
- ~~f. Chapter 18.705, Access, Egress and Circulation; and~~
- ~~g. Chapter 18.780, Signs.~~

3- [4.] In addition, the following criteria shall be met:

a. Relationship to the natural and physical environment:

- (1) The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. [The commission may require the applicant to demonstrate why a particular alternate site plan that may result in greater preservation of trees, topography and natural drainage would either not be feasible or would result in a greater loss of those resources;]***
- (2) Structures located on the site shall not be in areas subject to ground slumping and sliding [as demonstrated by the inclusion of a specific geotechnical evaluation;]***
- ~~*(3) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection;*~~
- (4) [(3) Using the basic site analysis information from the concept plan submittal,] the structures shall be oriented with consideration for the sun and wind directions, where possible; and***
- ~~*(5) Trees preserved to the extent possible. Replacement of trees is subject to the requirements of Chapter 18.790, Tree Removal.*~~

b. Buffering, screening and compatibility between adjoining uses:

- (1) Buffering shall be provided between different types of land uses, e.g., between single-family and multi-family residential, and residential and commercial uses;***
- (2) In addition to the requirements of the buffer matrix (Table 18.745.1), [the requirements of the buffer may be reduced if a landscape plan prepared by a registered Landscape Architect is submitted that attains the same level of buffering***

and screening with alternate materials or methods.] The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745:

- (a) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
 - (b) The size of the buffer needs in terms of width and height to achieve the purpose;
 - (c) The direction(s) from which buffering is needed;
 - (d) The required density of the buffering; and
 - (e) Whether the viewer is stationary or mobile.
- (3) On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
- (a) What needs to be screened;
 - (b) The direction from which it is needed; and
 - (c) Whether the screening needs to be year- round.
- c. Privacy and noise: Non-residential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;
- [d. Exterior elevations – residential use: Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:***
- (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;***
 - (2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and***
 - (3) Offsets or breaks in roof elevations of three or more feet in height.]***
- d. ***[e.] Private outdoor area –[residential] multi-family use:***
- (1) In addition to the requirements of subparagraph (3), [Exclusive of any other required open space facility,] each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, [or] porch) of not less than 48 square feet [with a minimum width dimension of four feet;]***
 - (2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and***
 - (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.***
- e. ***[f.] Shared outdoor recreation areas – [residential] multi-family use:***
- (1) In addition to subparagraphs (2) and (3) of this section [Exclusive of any other required open space facilities,] each multiple-dwelling [residential] development shall incorporate shared usable outdoor recreation areas within the development plan as follows:***
 - (a) Studio units up to and including two bedroom units, 200 square feet per unit; and***
 - (b) Three or more bedroom units, 300 square feet per unit.***

- (2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
- (3) The required recreation space may be provided as follows:
 - (a) ~~It may be all outdoor space; or~~
 - (b) ~~It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; or~~
 - (c) ~~It may be all public or common space; or~~
 - (d) ~~It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room, and balconies on each unit; or~~
 - (e) ~~Where balconies are added to units, the balconies shall not be less than 48 square feet.~~

- [(a) Additional outdoor passive use open space facilities;*
- (b) Additional outdoor active use open space facilities;*
- (c) Indoor recreation center; or*
- (d) A combination of the above.]*

[g. Demarcation of public, semi-public and private spaces for crime prevention:

- (1) *The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and*
- (2) *These areas may be defined by, but not limited to:*
 - (a) A deck, patio, low wall, hedge, or draping vine;*
 - (b) A trellis or arbor;*
 - (c) A change in elevation or grade;*
 - (d) A change in the texture of the path material;*
 - (e) Sign; or*
 - (f) Landscaping.]*

f. [h.] Access and circulation:

- (1) The number of ***[required]*** allowed access points for a development shall be provided in Chapter 18.705;
- (2) All circulation patterns within a development must be designed to accommodate emergency ***[and service]*** vehicles; and
- (3) Provisions shall be made for pedestrian and bicycle ways ***[abutting and through a site]*** if such facilities are shown on an adopted plan ***[or terminate at the boundaries of the project site.]***

g. [i.] Landscaping and open space:

- (1) Residential Development: In addition to the ***[buffering and screening requirements of paragraph b of this subsection, and any minimal use open space facilities,]*** requirements of subparagraphs (4) and (5) of section a of this subsection, a minimum of 20 percent of the site shall be landscaped. ***[This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a***

landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation;]

~~(2) Commercial Development: A minimum of 15 percent of the site shall be landscaped; and~~

~~(3) Industrial Development: A minimum of 15 percent of the site shall be landscaped;~~

h. [j.] Public transit:

(1) Provisions for public transit may be required where the site abuts ***[or is within a ¼ mile off]*** a public transit route. The required facilities shall be based on:

- (a) The location of other transit facilities in the area; and
- (b) The size and type of the proposed development.

(2) The required facilities ***[may include but are not necessarily limited to]*** ~~shall be limited to~~ such facilities as:

- (a) A waiting shelter;
- (b) A turn-out area for loading and unloading; and
- (c) Hard surface paths connecting the development to the waiting area.

[(3) If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.]

i. Signs:

~~(1) In addition to the provisions of Chapter 18.780, Signs:~~

- ~~(a) Location of all signs proposed for the development site; and~~
- ~~(b) The signs shall not obscure vehicle driver's sight distance;~~

j. [k.] Parking:

- (1) All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter ~~Chapter~~ 18.765;
- (2) Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.

k. [l.] Drainage: All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter ***[18.810.]*** ~~18.775, and the criteria in the adopted 1981 master drainage plan; [An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.]~~

l. [m.] Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

[n./18.350.110 Shared Open Space [Facilities]

[Exclusive of any other required open space or buffer areas, the detailed development plan shall designate a minimum of 20% of the gross site area as an open space facility. The open space facility may be comprised of any combination of the following:

- (1) Minimal Use Facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100 year floodplain).*
- (2) Passive Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.*
- (3) Active Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.*
- (4) The open space area shall be shown on the final plan and recorded on the final plat or covenants.]*

[o. Open Space Conveyance. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:]

~~A. Requirements for shared open space. Where the open space is designated on the plan as common open space the following applies:~~

- ~~1. The open space area shall be shown on the final plan and recorded with the Director; and~~
- ~~2. The open space shall be conveyed in accordance with one of the following methods:~~
 - ~~a. [(1) Public Ownership.] By dedication to the City as publicly owned and maintained as open space. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations [A determination of City acceptance shall be made in writing by the Parks & Facilities Division Manager prior to final approval. Dedications of open space may be eligible for Systems Development Charge~~

credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below;]

- ~~b. [(2) **Private Ownership.**]~~ By ~~leasing or~~ conveying title (including beneficial ownership) to a corporation, home association or other legal entity, *[and granting a conservation easement to the City in a form acceptable by the City. The terms of the conservation easement must include provisions for the following:]* with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:

- (1) *(a)* The continued use of such land for the intended purposes;
- (2) *(b)* Continuity of property maintenance;
- (3) *(c)* When appropriate, the availability of funds required for such maintenance;
- (4) *(d)* Adequate insurance protection; and
- (5) *(e)* Recovery for loss sustained by casualty and condemnation or otherwise.

~~c. By any method which achieves the objectives set forth in Subsection 2 above of this section.~~

Agenda Item #

Meeting Date

July 18, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Initiate Planned Development Revisions/Planning Commission

Prepared By: Sean Farrelly Dept Head Okay TC City Mgr Okay cl

ISSUE BEFORE THE COUNCIL AND KEY FACTS

At the City Council's request, the Planned Development Code Review Committee has further refined its recommendations to amend the Planned Development section of the Development Code.

STAFF RECOMMENDATION

If the City Council determines that the proposed Planned Development revisions are appropriate, Staff should be directed to prepare a draft ordinance for public hearings.

KEY FACTS AND INFORMATION SUMMARY

The Planned Development Code Review Committee presented its recommendations to the City Council on April 18, 2006. At the Council's direction, the Committee met two additional times and appeared before the Planning Commission. The original recommendations have been streamlined. Two notable changes from the previous draft are applying the overlay zone concurrently with the approval of the Detailed Development Plan, and removing the site analysis requirement. The attached memorandum (Attachment 1) outlines the proposed changes.

OTHER ALTERNATIVES CONSIDERED

Not applicable

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Growth and Growth Management, Goal No.1 – Growth will be managed to protect the character and livability of established areas, protect the natural environment and provide open space throughout the community.

Two of the strategies to implement this goal are:

- 1) Review and modify development code sections to integrate open space preservation and protection into design standards. Planned Actions include: revising code sections to ensure that residential development incorporates open space; and developing and implementing design standards that preserve and protect open space, greenways, and natural areas.

- 2) Develop and implement design standards that preserve and protect open space, greenways, and natural areas. Planned Actions include: amending code to promote design that includes natural features and promotes connectivity to open space, greenways, and natural area access; and implementing a public process for adequate development/design review.

ATTACHMENT LIST

1. Memo to Council dated July 3, 2006 - Planned Development Code Review Committee Recommendations
2. Copy of proposed changes to Planned Development chapter with strike-outs and additions
3. Clean copy of proposed changes to Planned Development chapter.
4. June 19, 2006 draft Planning Commission minutes

FISCAL NOTES

Not applicable



MEMORANDUM

TO: City Council

FROM: Sean Farrelly, Associate Planner

RE: Planned Development Code Review Committee Recommendations

DATE: July 3, 2006

The Planned Development Code Review Committee was appointed by the City Council in January, 2004, to review and recommend changes to the Planned Development chapter of the Development Code (18.350). The concept of Planned Developments is to grant flexibility to the underlying development code standards, in order to achieve a desired public purpose. Concerns arose in the community about the density, appearance, and lack of open space in some of the developments approved under the provisions of the Planned Development chapter.

The Committee had its first meeting in April 2004, and worked for several months on the proposed changes. There was a several month delay due to staff shortages and turnover. The Committee came before the Planning Commission on April 17, 2006, and the City Council on April 18, 2006, with its recommendations. The Council and the Commission made several suggestions to refine the proposed changes in the code. The PD Committee agreed to a timeline of 60-90 days to make its final recommendation.

The Committee met on two occasions - May 2nd, and June 6th. Feedback from the Council, City Attorney, the Planning Commission, Staff, and Committee members, was incorporated into the revised proposed code amendments. The Committee appeared before the Planning Commission on June 19, 2006, and presented the revised proposals.

The revised code chapters can be seen in Attachment 1 (Clean Copy) and Attachment 2 (Draft Annotated Copy.) The Committee's final recommendation to the Planning Commission is to substantially reorganize and rewrite the Planned Development chapter. These are the highlights of the proposed changes:

1. New Purpose Statement

The purpose statement was completely rewritten to emphasize the link between applying flexible standards and balancing impacts with amenities such as preserving open space and natural resources, the use of alternative and sustainable building designs, and other public purposes.

2. Revised Approval Process

The revisions make a clearer distinction between the three sections of the approval process:

- Concept Plan
- Detailed Development Plan
- Overlay Zone

The Overlay Zone is applied concurrently with the approval of the Detailed Development Plan. Concurrent applications can be made for the Concept Plan and the Detailed Development Plan, but the Planning Commission must take separate actions on each part.

A. Concept Plan:

New Concept Plans would require addressing these new approval criteria:

- Provision of open space
- Protecting natural resource areas
- Integration of development into the existing neighborhood
- Promotion of walkability/ transit
- Identification of the uses and arrangement of the site
- Demonstration that the planned development has significant advantages over standard development (i.e. protects natural features and provides additional amenities for the development/neighborhood.)

B. Detailed Development Plan:

The approval of a Detailed Plan was made a distinct step in the process.

The Detailed Development Plan would require addressing the following approval criteria:

- Conformance to the Concept Plan.
- Compliance with various Development Code chapters. Up to a 10% density bonus is allowed. A 1% density bonus for each 5% of the gross site area set aside in open space, and up to 5% for other amenities, including items from the Planning Commissioners Toolbox.
- Additional criteria, including a mandatory shared open space requirement (20% of the gross site area.)

C. Overlay Zone:

The Overlay Zone is now applied concurrently with the approval of the Detailed Development Plan. The overlay zone approval does not expire.

3. Changes in Definitions Chapter (18.120)

Three new definitions (to apply to the entire code) would be added:

- Density bonus

- Landscaping
- Open Space Facilities: (Makes a distinction between three types of open space facilities - minimal use, passive use recreation, and active use recreation.)

4. The Planning Commissioners "Toolbox"

The Committee developed a Planning Commissioners' "Toolbox": a packet with requirements of the process as well as illustrations and case studies of preferred developments around the country. The Toolbox, which will be distributed at the pre-app, is intended to be used as a guide for developers, and as a reference for the Planning Commission, during Planned Development hearings.

5. Pre-Application Conference Materials

In addition to the Planning Commissioners Toolbox, Staff will distribute examples of high quality materials (clear site plans and explanations) that have been used by developers at neighborhood meetings. The pre-app checklist will include a statement that if there are significant changes in the plans submitted at the neighborhood meeting, they will have to re-notice.

Proposed Planned Development Code Revisions, June 2006

Explanation of Formatting

These text amendments employ the following formatting:

~~Strikethrough~~ – For text to be deleted

[Bold and Italic] – For text to be added

Boxed – For staff notes and comments related to specific amendments. These are not part of the proposed codified text.

Chapter 18.120 DEFINITIONS

[55. “Density bonus” – Additional dwelling units that can be earned as an incentive for providing undeveloped open space, landscaping, or tree canopy as defined further in this code.]

[87. “Landscaping” – Areas primarily devoted to plantings, trees, shrubs, lawn and other organic ground cover together with other natural or artificial supplements such as water courses, ponds, fountains, decorative lighting, benches, bridges, rock or stone arrangements, pathways, sculptures, trellises and screens.]

[104. Open Space Facility related definitions. Open Space Facilities may be privately or publicly owned:

- a. Minimal Use Facilities. Areas reserved for low-impact recreation, limited to soft surface trails which are minimally maintained. No other improvements (apart from underground utilities) are allowed.***
- b. Passive Use Facilities. Areas reserved for medium-impact recreation and education uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft surface trails, raised walkways, pedestrian bridges, seating areas, viewing blinds, observation decks informational signage, drinking fountains, picnic tables, interpretive centers, and other similar facilities. Accommodations for ADA access shall be provided where site considerations permit.***
- c. Active Use Facilities. Areas reserved for high-impact recreation that require a greater degree of site development and/or ground disturbance; such as sports fields, playground equipment, group picnic shelters, swimming pools, hard and soft surface pathways, restrooms, and similar facilities.]***

[Renumber definitions after #55 according to the above amendments]

Chapter 18.350 PLANNED DEVELOPMENTS

Sections:

18.350.010 Purpose

18.350.020 The Process

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June 12, 2006

18.350.030 Administrative Provisions

~~18.350.040 Noncompliance: Bond~~

~~18.350.050 Applicability in Commercial and Industrial Zones~~

~~18.350.060 Allowed Uses~~

~~18.350.070 Applicability of the Base Zone Development Standards~~

~~18.350.080 Exceptions to Underlying Development Standards~~

~~18.350.090 [18.350.040] Conceptual Development Plan Submission Requirements~~

~~[18.350.050 Concept Plan Approval Criteria]~~

~~[18.350.060 Detailed Development Plan Submission Requirements]~~

~~[18.350.070 Detailed Development Plan Approval Criteria]~~

~~18.350.100 Approval Criteria~~

~~18.350.110 Shared Open Space~~

18.350.010 Purpose

A. Purpose. The purposes of the planned development overlay zone are:

- 1——To provide a means for creating planned environments through the application of flexible standards, i.e., zero-lot lines, narrower streets, and other innovative planning practices which will result in a superior living arrangement;
- 2——To facilitate the efficient use of land;
- 3——To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- 4——To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site; and
- 5——To encourage development that recognizes the relationship between buildings, their use, open space, and accessways and thereby maximizes the opportunities for innovative and diversified living environments.

- [1. To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the City; and]*
- [2. To provide such added benefits as increased natural areas or open space in the City, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and]*
- [3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and]*
- [4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and*

analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and]

[5. To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and]

[6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.]

18.350.020 The Process

- A. Applicable in all zones. The planned development designation is an overlay zone applicable to all zones. *[An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project, an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.]*

Staff note: The added text was moved to incorporate 18.350.050 Applicability in Commercial and Industrial Zones.

- B. Elements of approval process. There are three elements to the planned development approval process, as follows:

- 1— ~~The approval of the planned development overlay zone;~~
- 2— ~~The approval of the planned development concept plan; and~~
- 3— ~~The approval of the detailed development plan.~~

- [1. The approval of the planned development concept plan; and*
- 2. The approval of the detailed development plan.*
- 3. The approval of the planned development overlay zone.]*

- C. Decision-making process. ~~A new planned development overlay zone and/or concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.100. The detailed development plan shall be reviewed by means of a Type II procedure, as governed by 18.390.040, to ensure that it is substantially in compliance with the approved concept development plan. In the case of an existing planned development overlay zone for any other type of application, the application shall be reviewed under the provisions required in the chapters which apply to the particular land use application.~~

[1. The concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.]

[2. The detailed development plan shall be reviewed by means of a Type III-PC procedure, as governed by 18.390.050, to ensure that it is substantially in compliance with the approved concept plan.]

[3. The planned development overlay zone will be applied concurrently with the approval of the detailed plan.]

[4. Applicants may choose to submit the concept plan and detailed plan for concurrent review subject to meeting all of the approval criteria for each approval. All applicants are advised that the purpose of separating these applications is to provide them clear direction in developing the detailed plans. Rejection of the concept plan will result in a corresponding rejection of the detailed development plan and overlay zone.]

[5. In the case of an existing planned development overlay zone, once construction of the detailed plan has been completed, subsequent applications conforming to the detailed plan shall be reviewed under the provisions required in the chapter which apply to the particular land use application.]

[6. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently with the detailed plan.]

~~***D. Concurrent overlay zone and conceptual plan applications. The application for the overlay zone and for approval of the conceptual development plan may be heard concurrently if an application for each of the actions is submitted.***~~

~~***E. Concurrent overlay zone and subdivision applications. If the application involves subdivision of land, the applicant may apply for preliminary plat approval and the applications shall be heard concurrently.***~~

[D. Concurrent Applications for Concept Plan and Detailed Plan. In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the Planned Development application (i.e. the concept approval must precede the detailed development approval); however each required action may be made at the same hearing.]

18.350.030 Administrative Provisions

[A. Time limit on filing of detailed development plan. The concept plan approval expires after 1-1/2 years unless an application for detailed development plan and, if applicable, a preliminary plat approval or request for extension is filed. Action on the detailed development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.070.]

~~***A.[B.] Zoning map designation. Where a planned development overlay zone has been approved, [The planned development overlay zone application shall be concurrently approved if the detailed development plan is approved by the Planning Commission.] The zoning map shall be amended to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.***~~

B. ~~Time limit on filing of detailed development plan.~~ Within 1 1/2 years after the date of Commission approval of the conceptual development plan, the owner shall prepare and file with the Director a detailed development plan. Action on the detailed development plan shall be ministerial and taken by the Director by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria below:

1. ~~The Director shall approve the detailed development plan upon finding that the final plan conforms with the conceptual development plan approved, or approved with conditions by the Commission. The detailed plan shall be approved unless the Director finds:~~
 - a. ~~The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;~~
 - b. ~~The change reduces the amount of open space and landscaping;~~
 - c. ~~The change involves a change in use;~~
 - d. ~~The change commits land to development which is environmentally sensitive or subject to a potential hazard; and~~
 - e. ~~The change involves a major shift in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements.~~
2. ~~A decision by the Director may be appealed by the applicant or other affected/approved parties to the Commission and the Commission shall decide whether the detailed development plan substantially conforms to the approved conceptual development plan based on the criteria set forth in Subsection 1 of this section. This appeal shall be governed by provisions of Section 18.390.040G.~~

C. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes have been made on the original conceptual development plan as approved by the Commission;
2. The applicant can show intent of applying for detailed development plan *[or preliminary plat]* review within the one year extension period; and
3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

D. Phased development.

1. The Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for conceptual development plan review.
2. The criteria for approving a phased detail development plan proposal are that:
 - a. The public facilities shall be constructed in conjunction with or prior to each phase; and
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.

E. Substantial modifications to conceptual plan. *[If the Planning Commission finds that the detailed development plan or preliminary plat does not substantially conform to the concept plan, a new concept plan shall be required.]* Substantial modifications made to the approved conceptual development plan shall require a new application.

[F. Noncompliance. Noncompliance with an approved detailed development plan shall be a violation of this chapter.]

[G. Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.]

18.350.040 Noncompliance: Bond

A. Noncompliance. Noncompliance with an approved detailed development plan shall be a violation of this chapter.

B. Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.

Note: moved to 18.350.030

18.350.050 Applicability in Commercial and Industrial Zones

A. By election. An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.

B. As condition of approval in commercial and industrial developments. An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.

18.350.060 Allowed Uses

Note: moved to 18.350.040

A. ~~In residential zones. In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.100 B2. The following uses are allowed with planned development approval:~~

- ~~1 All uses allowed outright in the underlying zoning district;~~
- ~~2 Single family detached and attached residential units;~~
- ~~3 Duplex residential units;~~
- ~~4 Multi-family residential units;~~
- ~~5 Manufactured homes;~~
- ~~6 Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone;~~
- ~~7 Community building;~~
- ~~8 Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;~~
- ~~9 Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and~~
- ~~10 Recreational vehicle storage area.~~

B. ~~In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.~~

C. ~~In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.~~

18.350.070 Applicability of the Base Zone Development Standards

Note: moved to 18.350.060

A. ~~Compliance to specific development standards. The provisions of the base zone are applicable as follows:~~

- ~~1 Lot dimensional standards: The minimum lot size, lot depth and lot width standards shall not apply except as related to the density computation under Chapter 18.715;~~
- ~~2 Site coverage: The site coverage provisions of the base zone shall apply;~~
- ~~3 Building height: The building height provisions shall not apply; and~~
- ~~4. Structure setback provisions:~~
 - ~~a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;~~
 - ~~b. The side yard setback provisions shall not apply except that all detached structures shall meet the Uniform Building Code requirements for fire walls; and~~
 - ~~c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:~~
 - ~~(1) A minimum front yard setback of 20 feet is required for any garage structure which opens~~

facing a street.

- (2) ~~A minimum front yard setback of eight feet is required for any garage opening for an attached single family dwelling facing a private street as long as the required off street parking spaces are provided.~~

~~B. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.~~

18.350.080 Exceptions to Underlying Development Standards

~~A. Exceptions to parking requirements. The Commission may grant an exception to the off street parking dimensional and minimum number of space requirements in the applicable zone based on findings that:~~

- ~~1 The minor exception is not greater than 10 percent of the required parking; and~~
- ~~2 The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off street parking; or~~
- ~~3 There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or~~
- ~~4 Public transportation is available to the site, reducing the standards and will not adversely affect adjoining uses; or~~
- ~~5 There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.~~

~~B. Exceptions to sign requirements. The Commission may grant an exception to the sign dimensional requirements in the applicable zone based on findings that:~~

- ~~1 The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;~~
- ~~2 The exception is necessary for adequate identification of the use on the property; and~~
- ~~3 The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.~~

~~C. Exceptions to landscaping requirements. The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan provides for 20% of the gross site area to be landscaped.~~

18.350.090 [18.350.040] Conceptual Development Plan Submission Requirements

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type IIIB *[-PC]* procedure, as governed by Section 18.390.050 *[and the additional information required by 18.350.040.B.]* In addition, the applicant shall submit the following:

- 1 A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include:
[a.] A description of the character of the proposed development and the rationale behind

the assumptions and choices made by the applicant.

[b. An explanation of the architectural style, and what innovative site planning principles are utilized including any innovations in building techniques that will be employed.]

[c. An explanation of how the proposal relates to the purposes of the Planned Development Chapter as expressed in 18.350.010.]

[d. An explanation of how the proposal utilized the Planning Commissioner's Toolbox.]

2. A ***[general]*** development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development. ***[In the case where a residential subdivision is proposed, the statement shall include the applicant's intentions whether the applicant will build the homes, or sell the lots to other builders.]***
4. ~~A narrative statement presenting information, a detailed description of which is available from the Director.~~

B. Additional information. In addition to the general information described in Subsection A above, the conceptual development plan, data, and narrative shall include the following information, the detailed content of which can be obtained from the Director:

1. Existing site conditions;
2. A site concept ***[including the types of proposed land uses and structures, including housing types, and their general arrangement on the site] ;***
3. A grading concept;
4. A landscape concept ***[indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s);***
- [5. Parking concept;]***
5. ***[6.]*** A sign concept; and
- [7. A streets and utility concept; and]***
- [8. Structure Setback and Development Standards concept, including the proposed residential density target if applicable.]***
6. ~~A copy of all existing or proposed restrictions or covenants.~~

[C. Allowable Uses]

1. **In residential zones.** In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.070.A.3.c. The following uses are allowed with planned development approval:
 - a. All uses allowed outright in the underlying zoning district;
 - b. Single-family detached and attached residential units;
 - c. Duplex residential units;
 - d. Multi-family residential units;
 - e. Manufactured homes;
 - f. Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone ***[such as personal services, preschool or daycare, and retail uses less than 5,000 square feet in sum total];***
 - g. Community building;
 - h. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
 - i. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
 - j. Recreational vehicle storage area.
2. **In commercial zones.** In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.
3. **In industrial zones.** In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.

[18.350.050 Concept Plan Approval Criteria]

[A. The concept plan may be approved by the Commission only if all of the following criteria are met:

1. ***The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.***
2. ***The concept plan identifies areas of significant natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.***
3. ***The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.***

4. *The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.*
5. *The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.*
6. *The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood.]*

[18.350.060 Detailed Development Plan Submission Requirements]

[A. General submission requirements. *The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050, the additional information required by 18.350.040.B and the approval criteria under 13.350.070.]*

[B. Additional Information. *In addition to the general information described in Subsection A above, the detailed development plan, data, and narrative shall include the following information:*

1. *Contour intervals of 2 to 5 ft, depending on slope gradients, and spot elevations at breaks in grade, along drainage channels or swales, and at selected points, as needed.*
2. *A specific development schedule indicating the approximate dates of construction activity, including demolition, tree protection installation, tree removal, ground breaking, grading, public improvements, and building construction for each phase.*
3. *A copy of all existing and/or proposed restrictions or covenants.*
4. *Moderate to High Density Development Analysis. If proposing development in an area within a Metro designated town or regional center, the following additional information may be required:*
 - a. *Air movement: Prevailing breezes characteristic of a region may be greatly modified by urban high-rise structures. Predominant air movement patterns in a city may be along roadways and between buildings. The placement, shape, and height of existing buildings can create air turbulence caused by micro air movement patterns. These patterns may influence the location of building elements such as outdoor areas and balconies. Also a building's design and placement can mitigate or increase local wind turbulence.*
 - b. *Sun and shadow patterns: The sun and shadow patterns of existing structures should be studied to determine how they would affect the proposed building. This is particularly*

important for outdoor terraces and balconies where sunlight may be desirable. Sun and shadow patterns also should be considered as sources of internal heat gain or loss. Building orientation, window sizes and shading devices can modify internal heat gain or loss. Studies should include daily and seasonal patterns and the shadows the proposed building would cast on existing buildings and open spaces.

- c. Reflections: Reflections from adjacent structures such as glass-clad buildings may be a problem. The development should be designed to compensate for such glare or if possible, oriented away from it.]*

[C. Compliance with specific development standards. The Detailed Development Plan shall show compliance with base zone provisions , with the following modifications:

- 1. Lot dimensional standards:** *The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.*
- 2. Site coverage:** *The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks;*
- 3. Building height:** *In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be setback from the perimeter of the site a distance of at least 1-1/2 times the height of the building.*
- 4. Structure setback provisions:**
 - a.** *Setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;*
 - b.** *The setback provisions for all setbacks on the interior of the project shall not apply except that:*
 - (1)** *All structures shall meet the Uniform Building and Fire Code requirements;*
 - (2)** *A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.*
 - (3)** *A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.*
- c.** *If seeking to modify the base zone setbacks, the applicant shall specify the proposed setbacks, either on a lot by lot, or project wide basis. The applicant may propose, or the commission may require, actual structure footprints to be shown and adhered to.*

5. *Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.]*

18.350.100 [18.350.070 Detailed Development Plan] Approval Criteria

[A. Detailed Development Plan Approval Criteria. A detailed development plan may be approved only if all the following criteria are met:

1. *The detailed plan is generally consistent with the concept plan. Minor changes from the concept plan do not make the detailed plan inconsistent with the concept plan unless:*
 - a. *The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;*
 - b. *The change reduces the amount of open space and landscaping;*
 - c. *The change involves a change in use;*
 - d. *The change commits land to development which is environmentally sensitive or subject to a potential hazard; and*
 - e. *The change involves a major shift in the location of buildings, proposed streets, parking lots, landscaping or other site improvements.]*

~~A. Relationship to site development review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.~~

~~B. Specific planned development approval criteria. The Commission shall make findings that the following criteria are satisfied when approving or approving with conditions, the concept plan. The Commission shall make findings that the criteria are not satisfied when denying an application.~~

1 [2.] All the provisions of the land division provisions, Chapters 18.410, 18.420 **[Partitions]** and 18.430 **[Subdivisions]**, shall be met **[if applicable];**

2. [3.] Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Commission, that promote the purpose of this **[chapter]** section. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed in Subsection 3 below. **[The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.]**

~~The developer may choose to provide or the commission may require additional open space dedication and/or provision of additional amenities, landscaping or tree planting.~~

[a. Chapter 18.360, Site Development Review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.]

[b. Chapter 18.705, Access, Egress and Circulation. The Commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).]

~~a. [c.] Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, [using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.]~~

The Commission may further authorize a density bonus not to exceed 10% as an incentive to increase or enhance open space, architectural character and/or site variation incorporated into the development. These factors must make a substantial contribution to objectives of the planned development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Commission may approve according to the following:

- (1) *[A 1% bonus for each 5% of the gross site area set aside in open space, up to a maximum of 5%,]* ~~A maximum of 3% is allowed for the provision of [active use recreational open space] undeveloped common space, exclusive of areas contained in floodplain, [steep] slopes greater than 25 %, drainageways, or wetlands that would otherwise be precluded from development;~~
- (2) *[Up to a maximum of 5% is allowed for the development of pedestrian amenities, streetscape development, recreation areas, plazas, or other items from the "Planning Commission's Toolbox."]*

~~(2) A maximum of 3% is allowed for landscaping; streetscape development; developed open spaces, plazas and pedestrian pathways and related amenities; recreation area development; and/or retention of existing vegetation;~~

~~(3) A maximum of 3% is allowed for creation of visual focal points; use of existing physical amenities such as topography, view, and sun/wind orientation;~~

~~(4) A maximum of 3% quality of architectural quality and style; harmonious use of materials; innovative building orientation or building grouping; and/or varied use of housing types.~~

[d.] Chapter 18.745, Landscaping and Screening. [The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.]

[e.] Chapter 18.765, Off-street Parking and Loading Requirements. [The Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if :

- (1) The minimum number of parking spaces is not reduced by more than 10 percent of the required parking; and***
- (2) The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or***
- (3) There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or***
- (4) Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or***
- (5) There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.]***

[f.] Chapter 18.780, Signs. [The Commission may grant an exception to the sign dimensional requirements in the applicable zone if:

- (1) The sign is not increased by more than 10 percent of the required applicable dimensional standard for signs; and***
- (2) The exception is necessary for adequate identification of the use on the property; and***
- (3) The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.]***

[g.] Chapter 18.795, Visual Clearance Areas. [The Commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;]

[h.] Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks; and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the City Engineer to grant an exception. The Commission has the authority to reject an exception request. The

Commission can only grant an exception to street sanctions if it is sanctioned by the City Engineer. The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:

- (1) Public safety will not be compromised; and***
- (2) In the case of public streets, maintenance costs will not be greater than with a conforming design; and***
- (3) The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.]***

- ~~b. Chapter 18.730, Exceptions to Development Standards;~~
- ~~c. Chapter 18.795, Visual Clearance Areas;~~
- ~~d. Chapter 18.745, Landscaping and Screening;~~
- ~~e. Chapter 18.765, Off street Parking and Loading Requirements;~~
- ~~f. Chapter 18.705, Access, Egress and Circulation; and~~
- ~~g. Chapter 18.780, Signs.~~

3- [4.] In addition, the following criteria shall be met:

a. Relationship to the natural and physical environment:

- (1) The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. [The commission may require the applicant to demonstrate why a particular alternate site plan that may result in greater preservation of trees, topography and natural drainage would either not be feasible or would result in a greater loss of those resources;]***
- (2) Structures located on the site shall not be in areas subject to ground slumping and sliding [as demonstrated by the inclusion of a specific geotechnical evaluation;]***
- ~~*(3) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection;*~~
- (4) [(3) Using the basic site analysis information from the concept plan submittal,] the structures shall be oriented with consideration for the sun and wind directions, where possible; and***
- ~~*(5) Trees preserved to the extent possible. Replacement of trees is subject to the requirements of Chapter 18.790, Tree Removal.*~~

b. Buffering, screening and compatibility between adjoining uses:

- (1) Buffering shall be provided between different types of land uses, e.g., between single-family and multi-family residential, and residential and commercial uses;***
- (2) In addition to the requirements of the buffer matrix (Table 18.745.1), [the requirements of the buffer may be reduced if a landscape plan prepared by a registered Landscape Architect is submitted that attains the same level of buffering***

and screening with alternate materials or methods.] The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745:

- (a) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
 - (b) The size of the buffer needs in terms of width and height to achieve the purpose;
 - (c) The direction(s) from which buffering is needed;
 - (d) The required density of the buffering; and
 - (e) Whether the viewer is stationary or mobile.
- (3) On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
- (a) What needs to be screened;
 - (b) The direction from which it is needed; and
 - (c) Whether the screening needs to be year- round.
- c. Privacy and noise: Non-residential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;
- [d. Exterior elevations – residential use: Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:***
- (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;***
 - (2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and***
 - (3) Offsets or breaks in roof elevations of three or more feet in height.]***
- d. ***[e.] Private outdoor area –[residential] multi-family use:***
- (1) In addition to the requirements of subparagraph (3), [Exclusive of any other required open space facility,] each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, [or] porch) of not less than 48 square feet [with a minimum width dimension of four feet;]***
 - (2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and***
 - (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.***
- e. ***[f.] Shared outdoor recreation areas – [residential] multi-family use:***
- (1) In addition to subparagraphs (2) and (3) of this section [Exclusive of any other required open space facilities,] each multiple-dwelling [residential] development shall incorporate shared usable outdoor recreation areas within the development plan as follows:***
 - (a) Studio units up to and including two bedroom units, 200 square feet per unit; and***
 - (b) Three or more bedroom units, 300 square feet per unit.***

- (2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
- (3) The required recreation space may be provided as follows:
 - (a) ~~It may be all outdoor space; or~~
 - (b) ~~It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; or~~
 - (c) ~~It may be all public or common space; or~~
 - (d) ~~It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room, and balconies on each unit; or~~
 - (e) ~~Where balconies are added to units, the balconies shall not be less than 48 square feet.~~

- [(a) Additional outdoor passive use open space facilities;*
- (b) Additional outdoor active use open space facilities;*
- (c) Indoor recreation center; or*
- (d) A combination of the above.]*

[g. Demarcation of public, semi-public and private spaces for crime prevention:

- (1) *The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and*
- (2) *These areas may be defined by, but not limited to:*
 - (a) A deck, patio, low wall, hedge, or draping vine;*
 - (b) A trellis or arbor;*
 - (c) A change in elevation or grade;*
 - (d) A change in the texture of the path material;*
 - (e) Sign; or*
 - (f) Landscaping.]*

f. [h.] Access and circulation:

- (1) The number of ***[required]*** allowed access points for a development shall be provided in Chapter 18.705;
- (2) All circulation patterns within a development must be designed to accommodate emergency ***[and service]*** vehicles; and
- (3) Provisions shall be made for pedestrian and bicycle ways ***[abutting and through a site]*** if such facilities are shown on an adopted plan ***[or terminate at the boundaries of the project site.]***

g. [i.] Landscaping and open space:

- (1) Residential Development: In addition to the ***[buffering and screening requirements of paragraph b of this subsection, and any minimal use open space facilities,]*** requirements of subparagraphs (4) and (5) of section a of this subsection, a minimum of 20 percent of the site shall be landscaped. ***[This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a***

landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation;]

~~(2) Commercial Development: A minimum of 15 percent of the site shall be landscaped; and~~

~~(3) Industrial Development: A minimum of 15 percent of the site shall be landscaped;~~

h. [j.] Public transit:

(1) Provisions for public transit may be required where the site abuts ***[or is within a ¼ mile off]*** a public transit route. The required facilities shall be based on:

- (a) The location of other transit facilities in the area; and
- (b) The size and type of the proposed development.

(2) The required facilities ***[may include but are not necessarily limited to]*** ~~shall be limited to~~ such facilities as:

- (a) A waiting shelter;
- (b) A turn-out area for loading and unloading; and
- (c) Hard surface paths connecting the development to the waiting area.

[(3) If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.]

i. Signs:

~~(1) In addition to the provisions of Chapter 18.780, Signs:~~

- ~~(a) Location of all signs proposed for the development site; and~~
- ~~(b) The signs shall not obscure vehicle driver's sight distance;~~

j. [k.] Parking:

- (1) All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter ~~Chapter~~ 18.765;
- (2) Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.

k. [l.] Drainage: All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter ***[18.810.]*** ~~18.775, and the criteria in the adopted 1981 master drainage plan; [An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.]~~

l. [m.] Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

[n./18.350.110 Shared Open Space [Facilities]

[Exclusive of any other required open space or buffer areas, the detailed development plan shall designate a minimum of 20% of the gross site area as an open space facility. The open space facility may be comprised of any combination of the following:

- (1) Minimal Use Facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100 year floodplain).*
- (2) Passive Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.*
- (3) Active Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.*
- (4) The open space area shall be shown on the final plan and recorded on the final plat or covenants.]*

[o. Open Space Conveyance. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:]

~~A. Requirements for shared open space. Where the open space is designated on the plan as common open space the following applies:~~

- ~~1. The open space area shall be shown on the final plan and recorded with the Director; and~~
- ~~2. The open space shall be conveyed in accordance with one of the following methods:~~
 - ~~a. [(1) Public Ownership.] By dedication to the City as publicly owned and maintained as open space. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations [A determination of City acceptance shall be made in writing by the Parks & Facilities Division Manager prior to final approval. Dedications of open space may be eligible for Systems Development Charge~~

credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below;]

- ~~b. [(2) **Private Ownership.**]~~ By ~~leasing or~~ conveying title (including beneficial ownership) to a corporation, home association or other legal entity, *[and granting a conservation easement to the City in a form acceptable by the City. The terms of the conservation easement must include provisions for the following:]* with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:

- (1) *(a)* The continued use of such land for the intended purposes;
- (2) *(b)* Continuity of property maintenance;
- (3) *(c)* When appropriate, the availability of funds required for such maintenance;
- (4) *(d)* Adequate insurance protection; and
- (5) *(e)* Recovery for loss sustained by casualty and condemnation or otherwise.

~~c. By any method which achieves the objectives set forth in Subsection 2 above of this section.~~

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55. "Density bonus" – Additional dwelling units that can be earned as an incentive for providing undeveloped open space, landscaping, or tree canopy as defined further in this code.

87. "Landscaping" – Areas primarily devoted to plantings, trees, shrubs, lawn and other organic ground cover together with other natural or artificial supplements such as water courses, ponds, fountains, decorative lighting, benches, bridges, rock or stone arrangements, pathways, sculptures, trellises and screens.

104. Open Space Facility related definitions. Open Space Facilities may be privately or publicly owned:

- a. Minimal Use Facilities. Areas reserved for low-impact recreation, limited to soft surface trails which are minimally maintained. No other improvements (apart from underground utilities) are allowed.
- b. Passive Use Facilities. Areas reserved for medium-impact recreation and education uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft surface trails, raised walkways, pedestrian bridges, seating areas, viewing blinds, observation decks informational signage, drinking fountains, picnic tables, interpretive centers, and other similar facilities. Accommodations for ADA access shall be provided where site considerations permit.
- c. Active Use Facilities. Areas reserved for high-impact recreation that require a greater degree of site development and/or ground disturbance; such as sports fields, playground equipment, group picnic shelters, swimming pools, hard and soft surface pathways, restrooms, and similar facilities.

Chapter 18.350 PLANNED DEVELOPMENTS

Sections:

18.350.010 Purpose

18.350.020 Process

18.350.030 Administrative Provisions

18.350.040 Concept Plan Submission Requirements

18.350.050 Concept Plan Approval Criteria

18.350.060 Detailed Development Plan Submission Requirements

18.350.070 Detailed Development Plan Approval Criteria

18.350.010 Purpose

A. Purpose. The purposes of the planned development overlay zone are:

1. To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the City; and

2. To provide such added benefits as increased natural areas or open space in the City, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and
3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and
4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and
5. To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and
6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.

18.350.020 Process

- A. Applicable in all zones. The planned development designation is an overlay zone applicable to all zones. An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.
- B. Elements of approval process. There are three elements to the planned development approval process, as follows:
 1. The approval of the planned development concept plan; and
 2. The approval of the detailed development plan;
 3. The approval of the planned development overlay zone.
- C. Decision-making process.
 1. The concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.
 2. The detailed development plan shall be reviewed by means of a Type III-PC procedure, as governed by 18.390.050, to ensure that it is substantially in compliance with the approved concept plan.
 3. The planned development overlay zone will be applied concurrently with the approval of the detailed plan.
 4. Applicants may choose to submit the concept plan and detailed plan for concurrent review subject to meeting all of the approval criteria for each approval. All applicants are advised that the

purpose of separating these applications is to provide them clear direction in developing the detailed plans. Rejection of the concept plan will result in a corresponding rejection of the detailed development plan and overlay zone.

5. In the case of an existing planned development overlay zone, once construction of the detailed plan has been completed, subsequent applications conforming to the detailed plan shall be reviewed under the provisions required in the chapter which apply to the particular land use application.
6. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently with the detailed plan.

D. Concurrent Applications for Concept Plan and Detailed Plan. In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the Planned Development application (i.e. the concept approval must precede the detailed development approval); however each required action may be made at the same hearing.

18.350.030 Administrative Provisions

- A. Time limit on filing of detailed development plan. The concept plan approval expires after 1-1/2 years unless an application for detailed development plan and, if applicable, a preliminary plat approval or request for extension is filed. Action on the detailed development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.070.
- B. Zoning map designation. The planned development overlay zone application shall be concurrently approved if the detailed development plan is approved by the Planning Commission. The zoning map shall be amended to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.
- C. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
 1. No changes have been made on the original concept development plan as approved by the Planning Commission;
 2. The applicant can show intent of applying for detailed development plan or preliminary plat review within the one year extension period; and
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- D. Phased development.
 1. The Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for concept development plan review.
 2. The criteria for approving a phased detail development plan proposal are that:
 - a. The public facilities shall be constructed in conjunction with or prior to each phase; and

- b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
- E. Substantial modifications to the concept plan. If the Planning Commission finds that the detailed development plan or preliminary plat does not substantially conform to the concept plan, a new concept plan shall be required.
- F. Noncompliance. Noncompliance with an approved detailed development plan shall be a violation of this chapter.
- G. Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.

18.350.040 Concept Plan Submission Requirements

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050 and the additional information required by 18.350.040.B. In addition, the applicant shall submit the following:
 - 1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include:
 - a. A description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 - b. An explanation of the architectural style, and what innovative site planning principles are utilized including any innovations in building techniques that will be employed.
 - c. An explanation of how the proposal relates to the purposes of the Planned Development Chapter as expressed in 18.350.010.
 - d. An explanation of how the proposal utilized the Planning Commissioner's Toolbox.
 - 2. A general development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
 - 3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development. In the case where a residential subdivision is proposed, the statement shall include the applicant's intentions whether the applicant will build the homes, or sell the lots to other builders.
- B. Additional information. In addition to the general information described in Subsection A above, the concept plan, data, and narrative shall include the following information, the detailed content of which can be obtained from the Director:

1. Existing site conditions;
2. A site concept including the types of proposed land uses and structures, including housing types, and their general arrangement on the site;
3. A grading concept;
4. A landscape concept indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s);
5. Parking concept
6. A sign concept;
7. A streets and utility concept; and
8. Structure Setback and Development Standards concept, including the proposed residential density target if applicable.

C. Allowable Uses

1. In residential zones. In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.070.A.3.c. The following uses are allowed with planned development approval:
 - a. All uses allowed outright in the underlying zoning district;
 - b. Single-family detached and attached residential units;
 - c. Duplex residential units;
 - d. Multi-family residential units;
 - e. Manufactured homes;
 - f. Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to the uses permitted in the zone, such as personal services, preschool or daycare, and retail uses less than 5,000 square feet in sum total;
 - g. Community building;
 - h. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
 - i. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
 - j. Recreational vehicle storage area.

2. In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.

3. In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.

18.350.050 Concept Plan Approval Criteria

A. The concept plan may be approved by the Commission only if all of the following criteria are met:

1. The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.
2. The concept plan identifies areas of significant natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.
3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.
4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.
5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.
6. The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood.

18.350.060 Detailed Development Plan Submission Requirements

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050, the additional information required by 18.350.040.B and the approval criteria under 13.350.070.

B. Additional Information. In addition to the general information described in Subsection A above, the detailed development plan, data, and narrative shall include the following information:

1. Contour intervals of 2 to 5 ft, depending on slope gradients, and spot elevations at breaks in grade, along drainage channels or swales, and at selected points, as needed
2. A specific development schedule indicating the approximate dates of construction activity, including

demolition, tree protection installation, tree removal, ground breaking, grading, public improvements, and building construction for each phase.

3. A copy of all existing and/or proposed restrictions or covenants.

4. Moderate to High Density Development Analysis. If proposing development in an area within a Metro designated town or regional center, the following additional information may be required:

a. Air movement: Prevailing breezes characteristic of a region may be greatly modified by urban high-rise structures. Predominant air movement patterns in a city may be along roadways and between buildings. The placement, shape, and height of existing buildings can create air turbulence caused by micro air movement patterns. These patterns may influence the location of building elements such as outdoor areas and balconies. Also a building's design and placement can mitigate or increase local wind turbulence.

b. Sun and shadow patterns: The sun and shadow patterns of existing structures should be studied to determine how they would affect the proposed building. This is particularly important for outdoor terraces and balconies where sunlight may be desirable. Sun and shadow patterns also should be considered as sources of internal heat gain or loss. Building orientation, window sizes and shading devices can modify internal heat gain or loss. Studies should include daily and seasonal patterns and the shadows the proposed building would cast on existing buildings and open spaces.

c. Reflections: Reflections from adjacent structures such as glass-clad buildings may be a problem. The development should be designed to compensate for such glare or if possible, oriented away from it.

C. Compliance with specific development standards. The Detailed Development Plan shall show compliance with base zone provisions, with the following modifications:

1. Lot dimensional standards: The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.

2. Site coverage: The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks;

3. Building height: In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be setback from the perimeter of the site a distance of at least 1-1/2 times the height of the building.

4. Structure setback provisions:

a. Setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;

b. The setback provisions for all setbacks on the interior of the project shall not apply except that:

(1) All structures shall meet the Uniform Building and Fire Code requirements;

- (2) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
- (3) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
- c. If seeking to modify the base zone setbacks, the applicant shall specify the proposed setbacks, either on a lot by lot, or project wide basis. The applicant may propose, or the commission may require, actual structure footprints to be shown and adhered to.
- 5. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.

18.350.070 Detailed Development Plan Approval Criteria

A. Detailed Development Plan Approval Criteria. A detailed development plan may be approved only if all the following criteria are met:

- 1. The detailed plan is generally consistent with the concept plan. Minor changes from the concept plan do not make the detailed plan inconsistent with the concept plan unless:
 - a. The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;
 - b. The change reduces the amount of open space and landscaping;
 - c. The change involves a change in use;
 - d. The change commits land to development which is environmentally sensitive or subject to a potential hazard; and
 - e. The change involves a major shift in the location of buildings, proposed streets, parking lots, landscaping or other site improvements.
- 2. All the provisions of the land division provisions, Chapters 18.420 Partitions and 18.430 Subdivisions, shall be met if applicable;
- 3. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Commission, that promote the purpose of this chapter. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.

- a. Chapter 18.360, Site Development Review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.
- b. Chapter 18.705, Access, Egress and Circulation. The Commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).
- c. Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.

The Commission may further authorize a density bonus not to exceed 10% as an incentive to increase or enhance open space, architectural character and/or site variation incorporated into the development. These factors must make a substantial contribution to objectives of the planned development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Commission may approve according to the following:

- (1) A 1% bonus for each 5% of the gross site area set aside in open space, up to a maximum of 5%, is allowed for the provision of active use recreational open space, exclusive of areas contained in floodplain, steep slopes, drainageways, or wetlands that would otherwise be precluded from development;
 - (2) Up to a maximum of 5% is allowed for the development of pedestrian amenities, streetscape development, recreation areas, plazas, or other items from the "Planning Commission's Toolbox."
- d. Chapter 18.745, Landscaping and Screening. The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.
- e. Chapter 18.765, Off-street Parking and Loading Requirements. The Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if :
 - (1) The minimum number of parking spaces is not reduced by more than 10 percent of the required parking; and
 - (2) The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or

- (3) There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
- (4) Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or
- (5) There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.

f. Chapter 18.780, Signs. The Commission may grant an exception to the sign dimensional requirements in the applicable zone if :

- (1) The sign is not increased by more than 10 percent of the required applicable dimensional standard for signs; and
- (2) The exception is necessary for adequate identification of the use on the property; and
- (3) The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.

g. Chapter 18.795, Visual Clearance Areas. The Commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;

h. Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks; and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the City Engineer to grant an exception. The Commission has the authority to reject an exception request. The Commission can only grant an exception to street sanctions if it is sanctioned by the City Engineer.. The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:

- (1) Public safety will not be compromised; and
- (2) In the case of public streets, maintenance costs will not be greater than with a conforming design; and
- (3) The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.

4. In addition, the following criteria shall be met:

a. Relationship to the natural and physical environment:

- (1) The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. The commission may require the applicant to demonstrate why a particular alternate site plan that may result in greater preservation of trees,

topography and natural drainage would either not be feasible or would result in a greater loss of those resources;

- (2) Structures located on the site shall not be in areas subject to ground slumping and sliding as demonstrated by the inclusion of a specific geotechnical evaluation;
- (3) Using the basic site analysis information from the concept plan submittal, the structures shall be oriented with consideration for the sun and wind directions, where possible; and

b. Buffering, screening and compatibility between adjoining uses:

- (1) Buffering shall be provided between different types of land uses, e.g., between single-family and multi-family residential, and residential and commercial uses;
- (2) In addition to the requirements of the buffer matrix (Table 18.745.1), the requirements of the buffer may be reduced if a landscape plan prepared by a registered Landscape Architect is submitted that attains the same level of buffering and screening with alternate materials or methods. The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745.:
 - (a) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
 - (b) The size of the buffer needs in terms of width and height to achieve the purpose;
 - (c) The direction(s) from which buffering is needed;
 - (d) The required density of the buffering; and
 - (e) Whether the viewer is stationary or mobile.
- (3) On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
 - (a) What needs to be screened;
 - (b) The direction from which it is needed; and
 - (c) Whether the screening needs to be year- round.

- c. Privacy and noise: Non-residential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;

d. Exterior elevations – residential use: Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

- (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
- (2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and
- (3) Offsets or breaks in roof elevations of three or more feet in height.

e. Private outdoor area – residential use:

- (1) Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of four feet;
- (2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and
- (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

f. Shared outdoor recreation and open space facility areas – residential use:

- (1) Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
 - (a) Studio units up to and including two bedroom units, 200 square feet per unit;
 - (b) Three or more bedroom units, 300 square feet per unit.
- (2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
- (3) The required recreation space may be provided as follows:
 - (a) Additional outdoor passive use open space facilities;
 - (b) Additional outdoor active use open space facilities;
 - (c) Indoor recreation center; or
 - (d) A combination of the above.

g. Demarcation of public, semi-public and private spaces for crime prevention:

- (1) The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and

(2) These areas may be defined by, but not limited to:

- (a) A deck, patio, low wall, hedge, or draping vine;
- (b) A trellis or arbor;
- (c) A change in elevation or grade;
- (d) A change in the texture of the path material;
- (e) Sign; or
- (f) Landscaping.

h. Access and circulation:

- (1) The number of required access points for a development shall be provided in Chapter 18.705;
- (2) All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and
- (3) Provisions shall be made for pedestrian and bicycle ways abutting and through a site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.

i. Landscaping and open space:

- (1) Residential Development: In addition to the buffering and screening requirements of paragraph b of this subsection, and any minimal use open space facilities, a minimum of 20 percent of the site shall be landscaped. This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation;

j. Public transit:

- (1) Provisions for public transit may be required where the site abuts or is within a ¼ mile of a public transit route. The required facilities shall be based on:
 - (a) The location of other transit facilities in the area; and
 - (b) The size and type of the proposed development.
- (2) The required facilities may include but are not necessarily limited to such facilities as:
 - (a) A waiting shelter;
 - (b) A turn-out area for loading and unloading; and
 - (c) Hard surface paths connecting the development to the waiting area.

- (3) If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.

k. Parking:

- (1) All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 18.765;
- (2) Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.

- l. Drainage: All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 18.810. An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.

- m. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

- n. Shared Open Space Facilities: Exclusive of any other required open space or buffer areas, the detailed development plan shall designate a minimum of 20% of the gross site area as an open space facility. The open space facility may be comprised of any combination of the following:

- (1) Minimal Use Facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100 year floodplain).
- (2) Passive Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.
- (3) Active Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.

- (4) The open space area shall be shown on the final plan and recorded on the final plat or covenants.

- o. Open Space Conveyance: Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission

may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:

- (1) Public Ownership. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of City acceptance shall be made in writing by the Parks & Facilities Division Manager prior to final approval. Dedications of open space may be eligible for Systems Development Charge credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below;
- (2) Private Ownership. By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, and granting a conservation easement to the City in a form acceptable by the City. The terms of the conservation easement must include provisions for the following:
 - (a) The continued use of such land for the intended purposes;
 - (b) Continuity of property maintenance;
 - (c) When appropriate, the availability of funds required for such maintenance;
 - (d) Adequate insurance protection; and
 - (e) Recovery for loss sustained by casualty and condemnation or otherwise.

CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
June 19, 2006

1. CALL TO ORDER

President Inman called the meeting to order at 7:02 p.m. The meeting was held in the Tigard Civic Center, Red Rock Creek Conference Room, at 13125 SW Hall Blvd.

2. ROLL CALL

Commissioners Present: President Inman; Commissioners Brown, Buehner, Caffall, Duling, Harbison, Meads, Munro, and Walsh. Also present was Jeremy Vermilyea, Commission alternate.

Commissioners Absent:

Staff Present: Dick Bewersdorff, Planning Manager; Beth St. Amand, Senior Planner; Darren Wyss, Associate Planner; Sean Farrelly, Associate Planner; Jerree Lewis, Planning Commission Secretary

3. PLANNING COMMISSION COMMUNICATIONS AND COMMITTEE REPORTS

Commissioner Buehner reported on the City Center Advisory Commission. They are working on the strategy for the short term planning for the Downtown plan. They will make a presentation to Council tomorrow night and hear their fate shortly.

There has been no meeting of the Transportation Financial Strategies Task Force since the last Planning Commission meeting.

Commissioner Meads reported that the Park and Recreation Advisory Board have been discussing land acquisition – things are proceeding. The consultant hired to help gather information on a recreation program finished her presentation. The Board is going take suggestions on how to proceed to Council. The Board is also working on their mission statement. They are trying to work out how they can be both an advisory and an advocate board.

Commissioner Duling advised that the Committee for Citizen Involvement received an update from Liz Newton on the Neighborhood Program. Newton received comments from areas 4 and 8 (the Metzger and Tigard High School areas). She is working on the National

Neighborhood Day, Sunday, September 7th. The CCI also were updated on the public involvement program for the Hwy. 99W improvement plan. ODOT is providing the bulk of the funding for the study. OTAK and DKS have been hired as consultant teams. July is the tentative start date for the study, which should take approximately 3 months. There will be 5 citizen involvement meetings and 3 open houses.

4. APPROVE MEETING MINUTES

It was moved and seconded to approve the June 5, 2006 meeting minutes as submitted. The motion passed by a vote of 7-0. Commissioners Harbison and Walsh abstained.

5. COMPREHENSIVE PLAN UPDATE:

Senior Planner Beth St. Amand advised that the Community Attitude Survey has served a dual purpose – to get a report card on City services and to address the Comprehensive Plan update and look at community attitudes toward planning and livability issues. The report will be issued tomorrow night at the Council worksession. The Planning Commission will discuss it next month.

St. Amand and Associate Planner Darren Wyss provided additional information to the Commission on buildable lands, capacity, and residential density (Exhibit A). The memo details how Wyss calculated the overall residential density of the City. Currently, the City has approximately 6 dwelling units per acre. Over the last few years, the City has maintained approximately 6.8 units per acre.

Regarding Metro's Functional Plan requirement of 6308 additional dwelling units for Tigard, the Planning Commission had asked that if the 2005 buildable lands were fully developed, would we meet that requirement. Wyss estimates that, by the end of 2005, Tigard had added 3281 dwelling units – approximately 52% of the goal. Based on projections from Long Range Planning, the City will be very close or may even exceed the Metro Functional Plan requirement. St. Amand advised that the original planning era was to the year 2017 in the Metro Functional Plan. The plan does not specify when we need to meet these numbers; however, it is assumed that it would be during this era. The numbers are based on the dwelling units inside the City limits beginning in 1996.

Staff advised that a methodology has been developed to continue tracking buildable lands and development both on and outside of the buildable lands inventory.

1. Public Involvement Program/Update

St. Amand reported that she came to the Commission in March with a general overview of the public involvement program for the Comprehensive Plan update. The Commission made comments which St. Amand has incorporated into the modified public involvement

program (included in the Commission's packet). She noted that the City received a citizen comment, also included in the packet.

Commissioner Meads asked if the items noted in Mr. Frewing's e-mail would be resolved. St. Amand advised that the CIT structure is not currently in existence, however, there are former CIT members on the Committee for Citizen Involvement, which has been expanded to include additional board and committee members. The NPOs no longer exist; however, there is a Neighborhood Enhanced Program which will be in effect later this fall.

Commissioner Meads asked if Council shouldn't formally appoint the Planning Commission as the steering committee for the Comprehensive Plan update. After some discussion, the Commission directed staff to draft a formal resolution for Council that would address the role of the Planning Commission in the Comprehensive Plan update.

St. Amand advised that information collected during the update process would filter through the Planning Commission. This will occur primarily next year. At this point, we are setting the fact base – dealing with current conditions.

Commissioner Buehner noted that in earlier discussions about the public involvement portion, the Planning Commission talked about the importance of holding stakeholder meetings with various industry and business groups. This would allow us an opportunity to get input and incorporate those ideas before the hearing stage. She would like to see this happen. St. Amand said that, right now, staff is putting together the factual base. We need to know what's going on right now or we will have a difficult time having discussions with people next year.

St. Amand said the website would be a main venue for providing information to the public, but copies of the Planning Commission binder will be available at the Permit Center and the Library. Commissioner Buehner noted that 30% of the City's population is not computer literate. She does not believe the website is a viable resource for providing information and that a specific outreach with homeowner's associations needs to be done.

St. Amand advised that the active outreach program will begin next year. This year is the inventory period. Staff will focus more on more individual topics next year, with open houses and interactive surveys.

St. Amand noted that the Committee for Citizen Involvement recommended staff make sure the public feels they are part of process throughout and make it relevant to their lives. The CCI is also talking about doing more outreach to minority groups. The City now has a voluntary Spanish translator. She also advised that staff may try to get the update into the school curriculum, or maybe work individually with a class, or have an essay contest.

St. Amand will send the revised document to the Commission in their next packet. The Commission asked if the changes could be identified some way other than by using "track changes".

2. Environmental Quality/Overview

Associate Planner Darren Wyss gave a PowerPoint presentation on Environmental Quality (Exhibit B). He advised that the Environmental Quality report will cover 4 sections (land, air, water, and energy). He will be discussing the land quality section tonight.

Commissioner Walsh noted that human impact could be both negative and positive. It implies negative, but there is a huge part of industry that supports benefiting resources to improve it.

Commissioner Munro suggested that conservation should include natural resources, not just energy.

Wyss advised that land resources quality would be focusing on collection and disposal of development-related (e.g., population, commercial, industrial) waste that impacts the health and welfare of the community. The City is part of the Metro Regional Solid Waste Management Plan (RSWMP). We're also part of the Washington County Cooperative.

Land resource quality has been divided into 4 topics: solid waste, recycling, hazardous waste, and wastewater sludge. Wyss noted that for solid waste, recycling, and hazardous waste, there are no storage or permanent collection facilities in Tigard.

For recycling, the RSWMP has set a 64% target rate for waste reduction for 2009. At this point in time, they have been meeting their waste reduction rate. Education is a key component to get people to recycle more. Commissioner Munro asked if construction debris can be tracked. Construction recycling is one of the big programs that Metro offers. Commissioner Munro believes this may be something the City might want to look at. Jeremy Vermilyea said the City could also require recycling in their contracts for City projects. Commissioner Walsh noted that there is a market for this very valuable material.

Wyss advised that staff is setting the base now for how things are currently managed. Policies will be discussed later. St. Amand said that people should be thinking about where they want to go with this – in some of our values and issues surveys, we've heard about natural resource protection, but we haven't discussed sustainability. What kind of data do we need now to help us make choices later. Commissioner Walsh noted that education only works to a certain extent. We need a structure with policies that really push recycling (e.g., incentives, both positive and negative).

Wyss reported that hazardous waste is regulated by DEQ. The biggest problem is household hazardous waste because it's not easily regulated. Commissioner Buehner believes there is a real problem in the community because there is no effective, efficient way to handle hazardous waste. Because recycling programs are in such disarray, we're losing a lot of people who might otherwise want to recycle. Commissioner Walsh said that education is a big help with regard to hazardous waste. Metro will take it, but it's difficult. Tigard has not done anything locally to address this; we've allowed the regional level to handle this, but they're not doing good job.

Wyss advised that both Metro and DEQ have programs to help try to reduce hazardous waste and they both have collection events. Commissioner Walsh noted that this is an opportunity to partner with businesses, especially larger businesses that create hazardous waste.

For wastewater sludge, Wyss reported that Clean Water Services (CWS) recycles the sludge from their facility and then transports it outside of the City. The methane gas is burned.

Commissioner Buehner noted that the County has been coordinating efforts for waste management. She believes the population of the County has gotten too big for them to be able to handle it effectively. Perhaps we should explore the possibility of Tigard and Beaverton working together.

President Inman said that a future consideration could be adding incentive programs. Commissioner Walsh suggested partnering with the County or Metro.

St. Amand noted that there is a carrying capacity to each of the systems. We will be looking at how we're going to grow and develop. We'll have to consider how these systems can support the people.

Since contracts with the garbage haulers are negotiated, Commissioner Walsh suggested that the City can affect policy through those contracts by making different demands.

Buehner believes that Metro's presentations on their programs are too long and involved. Maybe the City can help them to condense things and pick priorities.

Commissioner Harbison asked if it's possible to move an item to different section in the Comp Plan if we think it would fit better elsewhere. St. Amand answered that the Comp Plan can be modified. We need to make the Plan useable for everyone.

Commissioner Meads asked if it's possible to change the Municipal Code to address how long garbage cans and recycling bins can be left out on the street. Discussion moved on to the fact that the code addresses hours for construction noise, but garbage trucks don't have to follow the same rules.

6. WORKSESSION WITH PLANNED DEVELOPMENT REVIEW COMMITTEE

John Frewing from the Planned Development Review Committee joined the Planning Commission in this discussion. Commissioner Buehner noted that the Planned Development Review Committee met last week and only made minor changes to the proposed code revisions.

Commissioner Walsh advised that issues from the last Planning Commission workshop have been discussed and addressed, as well as questions and issues from outside the group and from the attorney.

President Inman noticed that the concept plan and the detail plan are still separate. John Frewing advised that they can be submitted at same time but they are two different items. Dick Bewersdorff noted that if both plans are done all at once, there will only be 1 staff report. It will take longer and the fees may be higher. Commissioner Walsh said that the heart of the matter is to keep the plan from changing too much from what goes to the neighborhood meeting and what is eventually submitted to the City. This process would provide more control and would allow the Planning Commission an opportunity to suggest changes.

Commissioner Meads asked how detailed the concept plan has to be – do the homes have to be shown on the lots. The Commissioners advised that development means the putting in the roads and utilities, and creating the lots. There is no time limit for building the homes.

With regard to the detailed development plan approval criteria, Commissioner Munro said the whole idea of a PD is to allow more creativity from developers. She is concerned that, if the Commission wants a developer to be more creative, would this require them to go back and do a whole new concept plan? Dick Bewersdorff answered that some things are flexible in the PD process and there are things that limit, such as street standards. He doesn't think that this has changed much.

President Inman asked if the detailed development plan would require its own neighborhood meeting. If it's done separately, yes. If done concurrently, no.

Commissioner Buehner believes that most of the time, the concept plan should come at the pre-app meeting. She is worried about the 120 day rule – could we be opening ourselves up for issues? Bewersdorff noted that the City can ask for an extension, or the Commission can deny an application if they have findings.

President Inman thinks the language for a concept plan is very vague. Are we going to have a public hearing over a hand-drawn sketch, or are they going to be detailed plans and we've just added another step. John Frewing said it's up to the Planning Commission to ask for more details. President Inman noted that the Planning Commission already has and has exercised

this ability to hold developers accountable, and it doesn't require separating the process. Just because a developer may have spent a lot of money on a concept plan, doesn't mean the Planning Commission has to like it. They can send it back.

Bewersdorff advised that the staff review which goes to the Planning Commission is an analysis of whether the application meets the code provisions or not.

President Inman asked about the sign concept. Bewersdorff said it relates to number of signs and where they'll be placed (e.g., monument signs). If the Commission doesn't like it, they can have the developer change it.

Commissioner Munro asked about the public transit improvement fund. The idea is that when developments don't have public transit facilities on site, the developer can contribute to a fund for public transit improvements elsewhere. The money would be used for CIP transit projects inside the City.

President Inman asked about requiring the applicant to state his intentions with regard to building the homes or selling the lots to other builders. John Frewing said it is just their intent. They can change their mind the next day.

Staff advised that the next step for the proposed code revisions would be to go through the Planning Commission public hearing process, then to the City Council.

It was noted that the tool box won't be in the code officially.

7. OTHER BUSINESS

President Inman reminded the Commissioners about the attendance policy. Commissioners can miss 3 meetings in a row or 6 in year. Good attendance is important – we have a lot of things coming up and we don't want to spend time re-educating Commissioners. If something does come up that would require absences in excess of the limit, she asked that people notify the Commission. The Planning Commission can decide as a group whether or not the absences would be acceptable. President Inman said she hopes to only miss 2 or 3 meetings when her baby is born. Commissioner Caffall advised he will be gone from July 17th to September 1st.

The secretary reviewed the calendar with the Commissioners and handed out application binders for their next meeting on July 17th.

8. ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Jerree Lewis, Planning Commission Secretary

ATTEST: President Jodie Inman



MEMORANDUM

TO: Planning Commission

FROM: Darren Wyss, Associate Planner

RE: Capacity Numbers

DATE: June 19, 2006

At a May 2006 Planning Commission meeting, a few follow-up questions were asked in regard to buildable lands, capacity and residential density.

1. What is the overall residential density of the city?

There is not a 100% accurate way to calculate the overall density of the city from existing data. We can calculate the density of new development since 1989 because of the permit database, but the information is not available before that time. However, several methods may be used to get a good "guesstimate". Using estimated dwelling units (2000 Census housing units plus dwelling units built since April 1, 2000) divided by estimated residential acres (derived from Metro GIS taxlot file), the estimated overall residential density is approximately 6 units per acre. This includes existing single family and multi-family housing units.

$18,872 \text{ (estimated du)} / 3,031 \text{ (estimated residential acres)} = \text{approximately } 6 \text{ dwelling units/acre}$

2. If the 2005 buildable lands were fully developed, would we meet the Metro Functional Plan number of 6308 additional dwelling units?

At the end of 2005, Tigard had added 3281 dwelling units towards the goal of 6308 (52%).

Using a methodology created by the Long Range Planning Division, the potential residential dwelling unit capacity for the 2005 Buildable Lands Inventory is 2858 to 3310. This range includes all residential and mixed-use zoning districts. The low end is based on the 80% minimum density requirements in the CDC and the high end is based on the density of new construction in each zoning district that has occurred over the past five years.

$3281 + 2858 = 6139 \text{ (97\%)}$

$3281 + 3310 = 6591 \text{ (104\%)}$

3. Can we continue tracking buildable lands and development occurring on and outside of the buildable lands inventory?

Yes, a methodology has been developed. Each will be tracked and included in the yearly Buildable Lands Inventory Report. The 2005 Report is in the final stages of completion.

Et. B

Comprehensive Plan Update Environmental Quality Topic

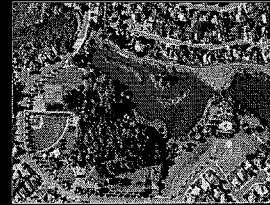
Planning Commission Overview



Darren Wyss, Associate Planner
Long Range Planning
City of Tigard
June 19, 2006

What does Environmental Quality mean?

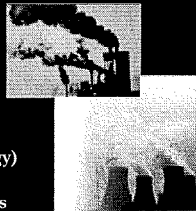
- For the purposes of the Comp Plan Update: the air we breathe, the water in our streams, the land we live upon, and the conservation of energy
- Strive to minimize the effects of human impact upon the quality of the resources



Environmental Quality June 19, 2006 Report to Planning Commission

Structure of EQ Topic Report

- Definition
- Relationship to land-use planning
 - Growth and development
 - Carrying capacity
 - Goals and standards
- Link to community values
- Four sections (Land, Air, Water, Energy)
 - Overview of current conditions
 - Applicable rules, statutes, and plans
 - Inventories helpful to decision making process
 - Existing collaborations/partnerships



Environmental Quality June 19, 2006 Report to Planning Commission

EQ Connection to Comp Plan Update

- Establishes organizational structure
- Identifies opportunities to impact quality of resource
- Important source of information to develop policy
- Connection to other topic reports (Transportation, Natural Resources, Future Growth and Development)



Environmental Quality June 19, 2006 Report to Planning Commission

Land Resources Quality

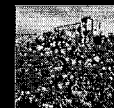
- Focus on collection and disposal of waste that impacts the health and welfare of the community
- Regional Solid Waste Management Plan (RSWMP)
- Washington County Cooperative
- Private hauler franchise agreements
- Durham Wastewater Treatment Facility



Environmental Quality June 19, 2006 Report to Planning Commission

Land Resource Quality

- Solid Waste
 - Waste Disposal and Waste Management
 - RSWMP focus on reduction and recovery
 - No storage or collection facilities in Tigard
- Recycling
 - 64% target Waste Reduction Rate
 - 4728 tons diverted from landfill in 2005
 - Education is key component to increase recycling rate
 - No storage or collection facilities in Tigard



Environmental Quality June 19, 2006 Report to Planning Commission

Land Resource Quality

- Hazardous Waste
 - Regulated by DEQ
 - Household hazardous waste (HHW) not easily regulated
 - DEQ and Metro have programs to reduce HHW
 - Education and collection events
 - No storage or collection facilities in Tigard
- Wastewater Sludge
 - CWS recycles sludge from facility
 - Transported outside of Tigard and used as soil amendment



Environmental Quality

June 19, 2006

Report to Planning Commission

Land Resource Quality – Main Points

- Current Conditions
 - Regional focus
 - Reduction and recovery
 - Household hazardous waste
 - Education programs are key
 - No storage or collection facilities in Tigard
- Future Consideration
 - Limited direct impact
 - Educational programs
 - Local collection facilities



Environmental Quality

June 19, 2006

Report to Planning Commission

Questions or Suggestions??

▪ Content



▪ Format

Environmental Quality

June 19, 2006

Report to Planning Commission

Agenda Item #
Meeting Date

July 18, 2006

COUNCIL AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title Comprehensive Plan Update: Citizen Issues and Values Summary

Prepared By: Beth St. Amand

Dept Head Approval: TC

City Mgr Approval: CP

ISSUE BEFORE THE COUNCIL

Receive a briefing on the Comprehensive Plan Update project, including a Citizen Issues and Values Summary.

STAFF RECOMMENDATION

Receive and comment on the information presented.

KEY FACTS AND INFORMATION SUMMARY

- The City is updating its Comprehensive Plan, a citizen-driven guide for Tigard's investments and actions for the next 20 years. It guides City decisions on land use, the provision of public facilities and services, and community livability.
- The Plan will be based on the values and issues identified through previous citizen surveys, Tigard Beyond Tomorrow and the Community Attitudes Survey, as well as a fact base of current conditions and state and regional requirements.

Tonight's update will focus on three areas:

- **1. Issues and Values Summary.** The attached "Citizen Issues and Values Summary" condenses all of the Issues/Values documents into a unified report to guide the planning process. It will be reviewed at tonight's meeting for Council's information and comment.
- **2. Project Update.** Phase II, Inventory of Current Conditions, is now under way. Staff will provide a brief progress report.
- **3. Planning Commission Role.** The proposed Comprehensive Plan work program was reviewed at the Council's Feb. 21, 2006, meeting, which included designating the Planning Commission as the Plan's Steering Committee. This action is consistent with Tigard Beyond Tomorrow's Comprehensive Plan strategy under Growth & Growth Management. At the Council's Aug. 8, 2006, meeting, the Council will be asked to pass a resolution to designate the Planning Commission as the project's Steering Committee. This future consent agenda item will be previewed briefly tonight for Council's comment.

OTHER ALTERNATIVES CONSIDERED

Not applicable.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Council Goals

- Revise City of Tigard Comprehensive Plan

Tigard Beyond Tomorrow: Growth and Growth Management

No. 6: The City Comprehensive Plan shall be reviewed and revised to:

- Accommodate growth while protecting the character and livability of new and established neighborhoods;
- Provide for the preservation of the natural environment and open space throughout the community;
- Provide for parks and alternative transportation (e.g., bike paths);
- Create community gathering places.

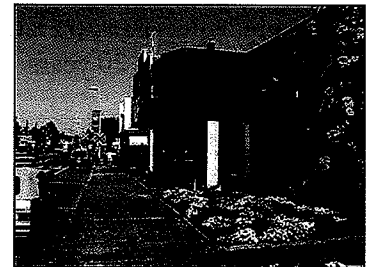
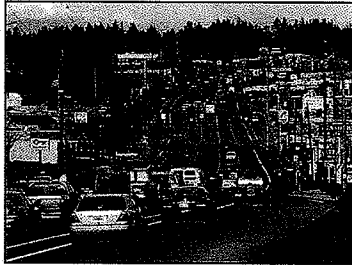
ATTACHMENT LIST

Attachment 1: Issues and Values Summary

FISCAL NOTES

This project is funded through the 2006-07 Long-Range Planning Division budget.

DRAFT



CITY OF TIGARD ISSUES AND VALUES SUMMARY 2002-2006



P r e f a c e

What do Tigard residents value? From 2002 to 2006, the City conducted 11 surveys of its residents, from written surveys distributed at the library to 12-minute phone surveys, to find out what citizens think about a variety of issues from parks to city services.

Today, that body of work represents an important historical record of Tigard residents' values and identified community issues. Viewed individually, each survey provides detailed information to inform decision-making about a particular topic. Collectively, the data forms a solid foundation for the City's Comprehensive Plan Update (Tigard 2027). The City's updated Comprehensive Plan will guide decisions on land use, the provision of public facilities and services, and community livability for the next 20 years.

As the community develops alternatives for its future through Tigard 2027, it will build upon these issues and values. Every topic is inter-related; choices made for one topic will affect another, but all will be based on this commonality of values.

To aid and inform all citizens, elected officials and staff involved with the Comprehensive Plan Update, the following document provides a *unified* summary of all results. Taken together, what themes emerge from the last four years, and what areas does the Comprehensive Plan Update need to consider more closely? Through this cohesive review, areas of consistency and contradiction became apparent. Areas of conflicting views for further examination have been identified, as well as areas that clearly stand out as priority.

A Note About Surveys

It should also be noted that the method of data collection should be considered. Surveys that are "self-selected" are considered to capture less of the public opinion spectrum; often, those on either extreme of an issue are motivated primarily to respond. Surveys that are "randomly selected" in a "scientific" survey attempt to eliminate some bias in respondent selection and capture the range of opinion on an issue. Where applicable, this analysis attempts to link each type of survey on a common issue to examine consistency. A survey index is located at end of the document.

Introduction

In 1993, the City of Tigard asked its residents to “talk” about their community in the first Community Attitude Survey entitled “Tigard Talks.” Residents were, in the words of the report, “fairly pleased” with Tigard as a place to live. Residents rated Tigard’s livability as a 7.7 out of 10, citing location and atmosphere as their top reasons for enjoying life here. Top rated services included the library, senior services, police, and parks.

Thirteen years later, the City of Tigard conducted its second Community Attitudes Survey. The news remained positive: the City’s livability rated a 7.8 out of 10, and Tigard’s citizens consistently gave living in Tigard and its services high ratings. A majority of residents also mentioned location (61%) as what they like most about living in Tigard, with atmosphere (community character (nice/quiet), safety, trees) coming in second. Once again, top-rated services included the library, police and parks.¹ And when residents were asked about what they liked least about living in Tigard, the second-highest response was “nothing I like least.”

In a world where life moves fast and change can be swift, it’s encouraging to view these two surveys and see that after all, values have stayed constant in Tigard during the last thirteen years. The ideals that draw and keep residents here continue to make this a place that people call home.

However, when Tigard’s residents were asked in 2006 about the City’s future livability, they were almost evenly divided, saying either it will be better (33%), worse (34%), or stay the same (27%). Over time, the issues faced by a community can shift and change happen incrementally. Surveys allow the City to monitor citizens’ experiences and concerns and respond accordingly. A comparison of the top citizen-identified issues (Table 1) shows that over the last 13 years, the top three issues for Tigard are consistent, but the ranking has changed. Whereas in 1993 growth and development ranked as the top threat to quality of life (the question as asked then), in the last three years citizens have consistently ranked transportation and traffic concerns as the biggest issue.

Table 1. What is the Most Important Issue for Tigard?

1993 Tigard Talks Survey (Q: Biggest threat to quality of life)	2004 Tigard Beyond Tomorrow Community Survey	2005 Tigard Downtown Improvement Survey	2006 Community Attitudes Survey
Random, mailed survey of resident voters (483 responses)	Self-selected survey (409)	Random, scientific survey of resident voters (401)	Random, scientific survey of residents (400)
1. Development and Growth (41%)	1. Traffic Congestion	1. Roads, traffic and transportation (37%)	1. Traffic and congestion problems (37%)
2. Traffic and Transportation (27%)	2. Growth	2. Growth, population and annexation	2. Street and road improvement/maintenance* (9%)
3. Safety /Crime	3. Environmental Preservation	3. Education	3. Schools and School Funding
4. Taxes and Costs	4. Downtown	4. Infrastructure/Public Services	4. Population/Overcrowding
5. Poor Planning	5. Community Appearance		5. Public Safety
6. Education/Schools	6. Safety		
*2005 included this topic in roads, traffic, transportation.			

¹ The 2006 survey did not ask about senior services.

As we embark on the Comprehensive Plan Update, these values and issues will guide Tigard's path to the future. The following report takes an in-depth look by topic, as defined by our citizens through their words and responses over the last four years.

Transportation is Number One

Issues

Clearly, Traffic Congestion ranks as Tigard citizens' number-one issue. In the 2004 Tigard Beyond Tomorrow Community Survey, 2005 Tigard Downtown Improvement Survey, and the 2006 Community Attitudes Survey, Tigard residents named traffic congestion as the top community issue. In addition, one in two residents mentioned traffic as what they like least about living in Tigard (2006 Community Attitudes Survey). While some of the responses mentioned 99W, others focused on neighborhood traffic: In both the 2004 Tigard Beyond Tomorrow Community Survey and the 2006 Community Attitudes Survey results, neighborhood traffic ranked as the first and second most important residential neighborhood characteristics.

Citizens also recognize the effect of transportation and traffic on Downtown. In the 2004 Downtown Survey, respondents identified Transportation one of the top two areas for improvement. Specifically, residents cited modification of the 99W/Main Street relationship, improving traffic flow, accessibility and improving the pedestrian environment.

In the 2005 Citizen Leadership Communications Survey, 17 open-ended responses addressed transportation, despite the survey's communications topic. These comments focused on traffic, traffic control, and neighborhood traffic.

Residents also recognize that the transportation system needs improvements. Nine percent of respondents ranked street and road improvement/maintenance as the most important issue for Tigard (2006 Community Attitudes Survey and the 2005 Tigard Downtown Improvement Survey). Street improvements to provide better access to Downtown produced the most support for Tigard Downtown Improvement financing in the 2005 Tigard Downtown Improvement Survey.

Summary of Values

Tigard residents value their travel time and want to be able to travel from point A to point B easily and without being mired in traffic; for specific roads, 99W is most frequently cited as a problem, particularly its effect on accessibility to the Downtown area. Considering 99W's central location throughout Tigard, it affects a majority of trips throughout the City and citizens' daily experience. At the same time, residents want to preserve their neighborhood livability by minimizing neighborhood traffic levels. Residents also recognize that the street system needs improvements, particularly in the Downtown area. These conclusions are consistent with the Tigard Beyond Tomorrow direction statement.

Tigard Beyond Tomorrow

The vision statement does not address transportation. However, the 2005 Traffic and Transportation Direction statement includes the following (bold highlights key points):

Tigard takes proactive role in regional transportation planning
-Have adequate funding sources to **build and maintain system**
-Streets safely handle traffic designed to serve
-Local traffic served by well-connected street network/primary roads accommodate through-traffic to **minimize traffic impacts on local neighborhoods**
-Alternative transportation methods available and encouraged

Future Growth and Development

Issues

While traffic and transportation run away with the top ranking, growth and growth management take second place in the community's consciousness. Growth has two components: an general perception of overall City growth, and a more personal perspective that considers neighborhood effects of development, which will be considered under "Community."

While the 2004 Tigard Beyond Tomorrow Community Survey named growth as Tigard's second most important issue (density, control or manage growth, and overdeveloped/crowded conditions), it fell to fourth in the 2006 Community Attitudes Survey issues list, preceded by traffic congestion, street improvement/maintenance, and schools and school funding. When respondents were asked what they liked least about living in Tigard, growth ranked third, behind traffic and "nothing I like least."

In the 2005 Tigard Downtown Improvement Survey, 27% of residents cited growth, population and annexation issues as the most important issue facing Tigard, almost half as many as the top choice (47% for roads, traffic and transportation). Respondents addressed small lots, overcrowding, and a need for better community and growth planning. Regarding growth through annexation, while the majority of Tigard residents were supportive of annexing Bull Mountain (2002 Bull Mountain Annexation Public Attitude Survey), specific comments reflected a concern how growth would impact city services and taxes, including future funding sources.

In the 2006 Community Attitudes Survey, when residents were asked "as more people move to the region, do you believe the City should promote growth, accommodate growth, or attempt to limit growth?", they were evenly divided between accommodate and limit (43%), with 10 percent advocating for promoting growth. These results turn on the definition of "accommodate" and how residents perceived it. It could either lean more toward "promote" (allow) or reflect a resignation that growth will happen regardless. In any case, this question shows the difference in opinion for the City's future growth.

Tigard Beyond Tomorrow

The vision statement does not address growth. However, the 2005 Growth and Growth Management Direction Statement states the following (*only growth related statements included*):
-Growth will be **accommodated while protecting the character and livability** in new and established neighborhoods.

Summary of Values

Growth is on Tigard residents' minds, although traffic and transportation is still the clear priority. Perhaps the difference in growth and traffic management reflects personal experiences. Almost every person who has to travel within Tigard experiences traffic on a daily basis. It also could relate to location of, and age of, homes; those residents located in older neighborhoods may have experienced new development within their neighborhood, while new residents are part of growth. The 2006 survey shows that the longer a respondent lived in Tigard, the corresponding percentage of "limit" growth responses increased: While 33 percent of new residents said "limit" growth, 54 percent of 20-Year-and-Over residents said limit.²

This question reflects a difference in opinion for the City's future growth. With the failure of the Bull Mountain annexation, Tigard is essentially land-locked with growth focused on remaining parcels within Tigard's boundaries. How will Tigard grow? To answer this question, the Comprehensive Plan Update will focus on this critical topic to define the terms (accommodate), and understand the needs of existing neighborhoods and long-time residents, as well as those of new neighborhoods and residents to the area. The section regarding neighborhood characteristics (under "Community") also shows that perhaps certain amenities can affect how people accept or perceive new development/growth. Additional exploration of these characteristics will be done during the growth alternative phase to address future development and design. Lastly, it is important to citizens to consider the impacts of new growth on existing City residents and services.

² The highest percentages of "limit" by geographical area isn't as clear, as 20 percent of respondents were unable to identify their neighborhood school.

Community (Housing and Employment)

Housing

To assess growth's impacts on neighborhoods, both the 2006 Community Attitudes Survey and the 2004 Tigard Beyond Tomorrow Community Survey asked respondents to rate the importance of residential characteristics to neighborhood livability. Table 2 shows that the top four characteristics are almost identical, with the exception of compatibility and protection of trees and natural resource areas. While compatibility is ranked fifth in the 2006 survey, natural resources have taken a higher priority.

Table 2: Residential Livability Characteristics

2004 Characteristics	Score (Somewhat or Very Important)	2006 Characteristics	Score (from 1- 10; 10 highest)
1. Compatibility between existing and new developments	92%	1. Protection of trees and natural resource areas.	8.4
1. Neighborhood traffic management	92%	2. Level of neighborhood traffic	8.2
3. Pedestrian and bike paths	89%	3. Maintaining existing lot sizes within established neighborhoods	7.8
4. Maintain existing lot sizes within established neighborhoods	87%	4. Pedestrian and bike paths	7.7
5. Undeveloped open space/greenways within half mile of home	84%	5. Compatibility between existing and new development	7.6
6. Large lot sizes	83%	6. Bus service	7.4
7. Small neighborhood parks within a half mile of home	82%	7. Strengthening regulations to improve the appearance of the community	7.4
8. Variety of housing types within new developments	54% said somewhat or very unimportant	8. Neighborhood parks within a half-mile of home	7.2
9. Small lot sizes	70% said somewhat or very unimportant	9. Variety of housing types	7.0
		10. Neighborhood commercial within a half mile of home.	6.1

Overall, Table 2 shows that residents value their neighborhoods as a suburban retreat, a place away from high levels of traffic, that allows for recreation, views of trees and other natural areas. They also value maintaining existing densities and the character of their neighborhoods, especially in relation to new development. As neighborhood commercial within walking distance ranked lowest on livability indicators (2006 Community Attitudes Survey), yet pedestrian and bike paths ranked highly, it could be inferred that most residents already perform their errands by car or bus and want *recreational* trails in neighborhoods, as the survey shows is a strongly held value, and could want to keep their neighborhoods separate from commerce. This conclusion will be tested during the Comprehensive Plan Update.

While a variety of housing types ranked significantly in the 2006 survey, it was considered unimportant to almost half of respondents in the 2004 Tigard Beyond Tomorrow survey. This difference could be due to the additional 2004 wording: *within new developments*, which would possibly bias residents to focus mostly on their dislike or like of new developments. It could also be based on a respondent's definition of "variety": while the 2006 survey intended to refer to a diversity of product (single-family, apartments, condominiums, townhouses), the respondents could have meant aesthetics; i.e., facades and colors.

Downtown

Downtown has been a focus of the community. Although only one survey identified Downtown as a top issue for Tigard (2004 TBT), other surveys reflect that the community values Downtown. In the 2005 Tigard Downtown Improvement Survey, 58% of respondents feel that it is either extremely important or important to have a vital downtown area that is uniquely Tigard. Eighty-four percent said that improving Downtown will be good for the whole community, and investing in Downtown will help attract business and stimulate the Tigard economy. Eighty-one percent of 2004 Tigard Beyond Tomorrow Community Survey respondents said that redeveloping/reenergizing Tigard's Downtown area was very and somewhat important.

The passage of the Urban Renewal measure in May 2006 by 66% of voters also shows strong community support for Downtown's revitalization. Downtown issues, as identified earlier, include transportation and access, as well as appearance (2004 Downtown Survey). In the 2004 Downtown Survey, 62% of respondents felt that the look and feel of Downtown should change. Both the 2005 and 2004 Downtown-related surveys show that Downtown is very well used; approximately 60% of respondents visit at least once a week, mostly to shop, use the post office, eat, or personal services.

Tigard Beyond Tomorrow

The vision statement does not specifically refer to Downtown. The Community Character and Quality of Life direction statement includes "The **Main Street Area** will be seen as a focal point for the community."

What do people like best about Downtown? The 2004 Downtown Survey named the old-town historical character; convenience/location and businesses as primary reasons. Seventy-nine percent of the 2005 Tigard Downtown Improvement Survey respondents said they would be more likely to use the Downtown if it had more shops and restaurants. Many of the responses for Downtown also asked for a gathering place for the community.

Business

The 2004 Tigard Beyond Tomorrow Community Survey also asked questions specifically on business. A high percentage of respondents felt that retaining existing businesses and attracting new businesses was very and somewhat important, with Downtown a slight priority over other commercial areas. Respondents felt very strongly about the beautifying the appearance of existing commercial areas. This emphasis on appearance was also seen in the 2006 Community Attitudes Survey, where respondents gave a 7.4 out of 10 to "Strengthening regulations to improve the appearance of the community" under residential neighborhood livability characteristics. Lastly, as mentioned above, a high percentage of 2005 Tigard Downtown Improvement Survey respondents believe that Downtown plays a major role in Tigard's economy, agreeing that investing in Downtown will help attract business and stimulate the Tigard economy.

Tigard Beyond Tomorrow

The vision statement states that "**small and local businesses** thrive. Business owners are involved and take responsibility for the impacts their businesses have on the community."

Summary of Values

Residents value their neighborhoods as a suburban retreat, a place away from high levels of traffic, that allows for recreation, views of trees and other natural areas. They also value maintaining existing densities and the character of their neighborhoods, especially in relation to new development. Regarding housing choice: more work will need to be done to clarify the conflicting results on these questions.

Downtown is important to residents; many use it on a weekly basis. They value it for the convenience, the services, and its feel. But they also recognize that changes are needed, particularly in transportation, pedestrian environment, and appearance. Many are seeking it as a gathering place, a center for the community.

Regarding business, residents believe that having commercial businesses is an important part of Tigard's mix, but emphasize beautifying its appearance.

Natural Resources: Preserve/Protect/Respect

Issues

Four surveys asked specific questions regarding natural resources (wetlands, open space, greenways, trees): the 2004 Recreation Survey, 2006 Community Attitudes Survey, 2005 Tigard Downtown Improvement Survey and 2004 Tigard Beyond Tomorrow Community Survey.

In the 2004 Tigard Beyond Tomorrow Community Survey, environmental preservation – which included comments addressing preservation or the need for more open space, greenways, trees and parks - was ranked as the third most important issue for the Tigard community, although it did not rank in the 2005 or 2006 surveys.

The other surveys identified community values. When the 2004 Recreation Survey asked residents if they liked that the city is “considering the protection of natural wetlands and greenways” and if they favored the idea “that would preserve our natural resources,” 69% agreed. Reasons for support included need to preserve open space and it's good for the environment. Slightly less than half of respondents favored a bond measure focused on this issue; 22% were willing to pay an additional amount per year. In general, the concept is supported, not funds (bond or fees). The 2005 Tigard Downtown Improvement Survey shows stronger support for Downtown projects: 86 % of respondents said they would support projects that preserve and restore greenspaces in and around Downtown Tigard. However, that question did not tie the concept to a specific funding source.

In the 2006 Community Attitudes Survey, protection of trees and natural resource areas was viewed strongly as the most important neighborhood livability characteristic (8.4/10). In addition, respondents cited the city's “small/rural feel” (18%) and trees/greenspaces (6%) as what they liked most about Tigard. In the 2004 Tigard Beyond Tomorrow Community Survey, 84% of respondents ranked undeveloped open space/greenways as an important residential characteristic.

Tigard Beyond Tomorrow

The vision statement includes the following statement:

“A community value ‘to **respect open spaces and natural features**’ encourages access to these by our citizens.”

The 2005 Urban & Public Services Direction Statement does not address this topic specifically; however, it does include the goal “Open space & greenway areas shall be **preserved and protected.**”

Summary of Values

When asked, Tigard's citizens consistently value natural features and areas, linking them with Tigard's identity. The strongest support is recorded when these spaces are linked with residential neighborhood livability or Downtown. This reflects residents' personal experiences with these areas. While there is strong support for the concept, there is less support for specific funding measures. Combined with environmental protection not ranking consistently in the top issues, this could show that while residents value these features, the current approach could be viewed as effective and these areas are not viewed as threatened. The Comprehensive Plan Update will need to examine this topic further.

The words “respect,” “preservation” and “protection” have all been used in conjunction with natural resources, in the surveys and in Tigard Beyond Tomorrow. The Comprehensive Plan Update process will need to clearly define each of these terms and further explore citizen support for these approaches. Most importantly, the financial considerations tied to these proposals must be examined, as well as trade-offs associated with additional preservation and its effect on growth.

Public Facilities and Services

Issues and Values

Survey questions on City services primarily focus on two areas: current performance and future services. For current performance, a low rating could identify an issue for the community. The City's 2006 Community Attitudes Survey, which focused on performance ratings, reflected an overall satisfaction with current services. Of the 13 services tested, eight scored 7.5 or above (includes Library, Police, Parks, Sewer/Water). The next three – the Permit Center³, recreation and leisure activities, street maintenance – all scored around 6.5, and community planning received a 6.1. The last service, ranked 5.3, was ability to get around the city. While still above the halfway point, both street maintenance and recreation activities have been identified as issues in other surveys. These survey results do indicate community concern over street conditions, the lack of recreation activities, traffic/transportation, and the effectiveness of the City's planning efforts.

Regarding future service provision, the 2005 Tigard Downtown Improvement Survey ranked infrastructure/public services as the fourth most important issue facing Tigard. This included more parks and recreation facilities; water treatment and supply; and more police, fire and library. These results were not replicated in the 2006 Community Attitudes and 2004 Tigard Beyond Tomorrow Community Survey. It could be due to one survey allowing multiple answers and the latter two only allowing respondents to choose the Most Important response. The sections below focus on specific services named by citizens:

Public Safety. Ranked as the fourth most important issue in the 2006 Community Attitudes Survey, consistent with the 2004 Tigard Beyond Tomorrow Community Survey. While citizens rank their perception and experience with the Police Department highly, the identification of public safety as an issue differs. Residents may have identified it as an issue, when it may be actually a strongly held value. This is an area that needs further definition to properly inform the Comprehensive Plan process.

Recreation and parks. In the 2004 Recreation Survey, respondents supported the creation of a Recreation Division over a special Recreation District, but struggled with the tax increases that would come with proposals for additional recreational opportunities. Even though slightly more than half of respondents opposed a bond measure for a Community Recreation Center, information that it would enhance recreational opportunities for all residents significantly increased support for the proposal (although not supportive of additional costs associated with it).

Library

The Library yearly survey (2003-2006) shows that users value this facility, and accessibility and convenient hours in particular. Over half of respondents visit the library at least 4 times a month, and rate the majority of services as good or excellent. These results are consistent from year to year.

Tigard Beyond Tomorrow

The Tigard Beyond Tomorrow vision statement includes the following related statements:

- Tigard is a safe, dynamic community supported by coordinated and efficient public services. Funding for services is stable and recipients pay their share.
- Citizens are educated about how to access public services and understand their responsibility to participate as members of the community.
- Many leisure time and recreational opportunities are available for our community.

The direction statement for Public Safety includes: the following (repeated themes from statement not included):

- Public Safety service providers shall plan for their service delivery in such a way as to minimize the negative impacts of the regional populations that travel to and through our community each day.
- Stable funding will provide uninterrupted public safety services at desired levels.

³ 71% of respondents had no interaction with this service.

Summary of Values

Tigard residents value the current level of service they receive. As the above surveys show, the police, library and parks are all well-valued services by City residents. Future service improvements or provision will need to consider the cost and impact to existing residents and systems.

Other Topics Identified by Residents

- **Education.** Although the School District provides education, not the City, education has been identified as an issue. The 2006 Community Attitudes Survey included schools and school funding as the third most important issue for the City of Tigard (9% of respondents), which is consistent with the 2005 Tigard Downtown Improvement Survey (25%, multiple responses allowed). Tigard Beyond Tomorrow, which included school district staff in the visioning process, includes education in its vision statement: both for life-long learning and the responsibility of each citizens to promote and support quality education. The Schools and Education direction statement emphasizes quality education and stable funding for efficient delivery of services. The current Comprehensive Plan does not address schools, and the update does not currently include this topic.
- **Communication**
The 2005 Citizen Leadership Communications Survey addressed this topic. Residents have not identified this as an issue specifically in previous surveys as an issue or a value; Tigard Beyond Tomorrow addresses communication as a goal of Community Character and Quality of Life. However, the 2005 Communications Survey found that there is no one best way to stay in touch with the City's residents; a multitude of approaches are needed. This diverse approach will be followed throughout the Comprehensive Plan Update.
- **Community Appearance**
This issue was named as part of the 2004 Tigard Beyond Tomorrow Community Survey, both for residential and commercial concerns. "Strengthening regulations to improve the appearance of the community" had support in the recent 2006 survey under residential neighborhood livability characteristics. This is an issue that will be addressed in the Comprehensive Plan Update to determine what residents mean by this statement and what they support.

Table 3. Survey Index

Survey Name	Date	Number of Responses	Type of Survey
1. "Tigard Talks" Community Attitude Survey	1993	483	Random ⁴ mailed survey of voters
2. Bull Mountain Annexation Public Attitude Survey	2002	305 (151 City of Tigard residents)	Random phone survey of voters
3.a. Library Community Survey	2003	1481	Self-selected
3. b. Library Community Survey	2004	1261	Self-selected
3. c. Library Community Survey	2005	2834	Self-selected
3. d. Library Community Survey	2006	2366	Self-selected
4. Recreation Survey	2004	383	Random phone survey of voters
5. Tigard Beyond Tomorrow Community Survey	2004	409	Self-selected
6. Downtown Survey	2004	588	Self-selected
7. Tigard Downtown Improvement Survey	2005	401	Random phone survey of "supervoters" (voted in most recent elections)
8. Tigard Citizen Leadership Communications Survey	2005	Over 230	Self-selected
9. Community Attitudes Survey	2006	400	Random phone survey of residents

⁴ Surveys that are "randomly selected" in a "scientific" survey attempt to eliminate some bias in respondent selection and capture the range of opinion on an issue.

Agenda Item #

Meeting Date

July 18, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Status Report – Tualatin River Bike/Pedestrian Bridge Project

Prepared By: A.P. Duenas

Dept Head Okay TC

City Mgr Okay cl

ISSUE BEFORE THE COUNCIL AND KEY FACTS

Informational briefing on the status of the Tualatin River Bike/Pedestrian Bridge Project. No Council action required.

STAFF RECOMMENDATION

Paul Hennon, Community Services Director for the City of Tualatin, will be making the presentation on the project. Staff recommends that Council ask questions during or after the presentation to ensure full understanding of all relevant aspects of the project.

KEY FACTS AND INFORMATION SUMMARY

The Tualatin River Bike/Pedestrian Bridge project constructs the long-awaited bicycle and pedestrian bridge connecting the cities of Tigard and Durham on the north side of the Tualatin River to the City of Tualatin on the south side. The project is federally funded with substantial local contributions from the cities of Tigard and Tualatin. The construction contract was awarded to Capital Concrete Construction, Inc., by ODOT (Oregon Department of Transportation) on April 17, 2006. Construction work is in progress and is expected to be completed in late 2006 or early 2007.

The City of Tualatin is the lead city on this project. Paul Hennon of the City of Tualatin will be making a presentation to Council on the project and is prepared to answer any questions that may arise at that time. The alignment of the Tualatin River/Cook Park trail from the Butterfly Garden in Cook Park to the new bicycle and pedestrian bridge has been revised as part of the bridge project at its approach to the bridge. Council will also be provided a status report on the trail project, including its final alignment and schedule for implementation.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The bicycle and pedestrian bridge across the Tualatin River strongly supports the Tigard Beyond Tomorrow goal of *Alternative modes of transportation will be available and use shall be maximized.*

ATTACHMENT LIST

Memorandum to Council dated June 15, 2006 providing a brief status report on the project.

FISCAL NOTES

Tigard's share of the Tualatin River Bike/Pedestrian Bridge Project is \$592,578 of which \$224,928 is from MTIP (Metropolitan Transportation Improvement Program) funds and \$367,650 is from parks SDC (system development charges) funds.

The Tualatin River/Cook Park Trail from the Butterfly Garden to the bridge is funded from the City's Parks Capital Fund in the amount of \$97,530.



MEMORANDUM

TO: Mayor and City Councilors
Craig Prosser, City Manager

FROM: Gus Duenas *Gus*
City Engineer

RE: Tualatin River Bike/Ped Bridge Project

DATE: June 15, 2006

At the Council meeting on June 13, 2006, Council asked about the status of the Tualatin River Bike/Ped Bridge Project. The following is a brief summary of the current status of the project:

- Construction contract awarded by ODOT on April 17, 2006
- Contractor: Capital Concrete Construction, Inc.
- Contract award is within the range of costs estimated for the project
- Funding is not at issue at this point. It was prior to the bid resulting in additional funding being requested. That is no longer an issue.
- Project is expected to be completed either by the end of calendar year 2006, or January 2007

Current construction status: The contractor is building a temporary bridge from the Tualatin side so that a crane can be moved into place to install the permanent bridge. Piles are now being installed for the permanent bridge. The construction work is progressing satisfactorily.

We propose to brief Council in depth on this project at the Council workshop on July 18, 2006. Paul Hennon, Community Services Director for the City of Tualatin, will be here to make a presentation on the project and answer any questions at that time. We will include a briefing on the City's trail project and how it matches up with the new bridge.

Agenda Item No. _____
Meeting of _____

LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Award of Contract for Design Services for Phase 3 (Burnham Street Improvements) of the Tigard Downtown Comprehensive Streetscape Project

Prepared By: A.P. Duenas Dept Head Okay TC City Mgr Okay CR

ISSUE BEFORE THE LCRB AND KEY FACTS

Should the Local Contract Review Board approve the contract award to OTAK, Inc., for design services to perform Phase 3 (Burnham Street Improvements) of the Tigard Downtown Comprehensive Streetscape Project?

STAFF RECOMMENDATION

That the Local Contract Review Board, by motion, approve the contract award to OTAK, Inc., in the amount of \$463,525.00 and authorize an additional amount of \$46,353.00 to be reserved for contingencies and applied as needed as the design of Burnham Street progresses towards completion and into the construction phase. The total amount committed to Phase 3 is therefore \$509,878.00.

KEY FACTS AND INFORMATION SUMMARY

At its meeting on November 8, 2005, the Local Contract Review Board approved the contract award to OTAK, Inc., to provide design services for Phase 1 of the Tigard Downtown Comprehensive Streetscape Project and authorized the City Manager to enter into a separate contract at a later date with the same consultant (assuming satisfactory negotiations and agreement on price) for the subsequent two phases, Commercial Street Streetscape (Phase 2) and Burnham Street Improvements (Phase 3). The Commercial Street project will provide pedestrian access to the downtown area and the commuter rail station from the residential area west of the Highway 99W overpass. In addition, through implementation of streetscape design elements, it will become one of the gateways into the Tigard downtown. The construction of Burnham Street upgrades a deteriorated street to the ultimate street section needed to enhance the redevelopment efforts for the Tigard downtown and also includes gateway treatment at its intersection with Hall Boulevard. Both projects are identified as major catalyst projects to kickstart the implementation of the Tigard Downtown Improvement Plan.

The original Request for Proposal included design services for all three phases. However, because the streetscape design was expected to determine the design elements to be included in Phases 2 and 3, the contract award for those two phases were withheld with the intention of executing an additional contract for those two phases once the design concepts were established and the scope of work for the next two phases were better defined. Through the streetscape design process and discussions with City Council, the Streetscape Working Group, and the City Center Advisory Commission, the design elements for Burnham Street were established.

The consultant submitted cost proposals to provide design services for Phases 2 and 3. The City included additional services in the fee proposal request for Burnham Street for public involvement during the design phase, consultant support during the bid phase, design support during the construction phase, and construction staking. These services

were not included in the original Request for Proposal, but will be needed as the projects proceed through the design phase into and through the construction phase.

Because OTAK performed the Streetscape design for the downtown area, the firm is in the best position to perform the additional design services for the project. They are poised to begin the next two phases immediately and will not need a project orientation or a period of familiarization with both the downtown plan and the design effort so far.

After extensive negotiations with the firm including total design effort required, City staff and the consultant reached agreement for the design fees to cover the basic design for Burnham Street (including assistance during the bid phase and gateway design for Hall Blvd/Burnham Street entry) plus the additional services to help the City with public involvement during the design phase, potential design issues through the construction phase, and with construction survey support. The design fees for Phase 2 (Commercial Street Streetscape) are still under negotiation. If the City can reach agreement on the fees for that phase of the project, it will be brought back to the Local Contract Review Board at a later date.

However, because the Burnham Street design needs to move ahead as soon as possible, award of a contract for Phase 3 (Burnham Street Improvements) is recommended at this time. The following are the consultant fees for this phase of the overall project:

Phase 3 (Burnham Street)

Design services for Burnham Street (including support during the bid phase):	\$340,000
Additional services during design and construction phases:	\$ 70,025
Construction Staking:	\$ 54,500
Total contract amount for Phase 3 (Burnham Street Improvements):	\$463,525
Contingency amount for the project phase:	\$ 46,353
Total funding commitment requested:	\$509,878

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Street improvements on Burnham Street meet the Council Goal to "Implement Downtown Plan." The project also meets the Tigard Beyond Tomorrow goals of "Improve Traffic Safety" and "Improve Traffic Flow."

ATTACHMENT LIST

None

FISCAL NOTES

The amount of \$300,000 is available in the FY 2005-06 CIP for the Burnham Street Improvement Project. The project design was anticipated to begin earlier in calendar year 2006, but was delayed until the design elements could be clearly identified. In formulating the budget for FY 2006-07, it was anticipated that \$20,000 would be expended in FY 2005-06 and \$950,000 would be made available in the FY 2006-07 CIP for design and rights-of-way acquisition on that project. Because the contract award is so late in the fiscal year, there will be no expenditure of funds in FY 2005-06. The \$20,000 projected for expenditure in FY 2005-06 and the budgeted amount of \$950,000 for FY 2006-07 provides \$970,000 available for the project. This amount is sufficient to award the contract to OTAK, Inc., for Phase 3 (Burnham Street Improvements) of the Tigard Downtown Comprehensive Streetscape Project covering design services and construction-related services for the design and construction of Burnham Street. It is also sufficient to allow an additional amount of \$46,353 to be set aside as a contingency amount for the project. The total funding available is therefore sufficient to commit \$509,878 to this phase of the Tigard Downtown Comprehensive Streetscape Project. This leaves a balance of \$460,122 for rights-of-way acquisition on the project for the remainder of FY 2006-07. The right-of-way funding can be supplemented in FY 2007-08, if needed.

LOCAL CONTRACT REVIEW BOARD MEETING
(IMMEDIATELY FOLLOWING ADJOURNMENT OF THE
JULY 18, 2006, CITY COUNCIL MEETING)

- 1.1 CALL TO ORDER: LOCAL CONTRACT REVIEW BOARD (LCRB)
- 1.2 ROLL CALL

- 2. CONSIDER AWARDED CONTRACT FOR DESIGN SERVICES FOR PHASE 3
(BURNHAM STREET IMPROVEMENTS) OF THE TIGARD DOWNTOWN
COMPREHENSIVE STREETScape PROJECT
 - a. Staff Report: Community Development Department
 - b. LCRB Discussion
 - c. LCRB Consideration: Motion to approve the contract award to OTAK, Inc., in the amount of \$463,525 and authorize an additional amount of \$46,353 to be reserved for contingencies and applied as needed as the design of Burnham Street progresses towards completion and into the construction phase. The total amount for Phase 3 is \$509,878.

- 3. ADJOURNMENT

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Agenda Item No. _____
Meeting of _____

LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

City Of Tigard, Oregon

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Prepared By: A.P. Duenas Dept Head Okay TC City Mgr Okay CR

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KEY FACTS AND INFORMATION SUMMARY

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OTHER ALTERNATIVES CONSIDERED

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COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Street improvements on Burnham Street meet the Council Goal to "Implement Downtown Plan." The project also meets the Tigard Beyond Tomorrow goals of "Improve Traffic Safety" and "Improve Traffic Flow."

ATTACHMENT LIST

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FISCAL NOTES

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